

THE
CITIZEN AND THE STATE

PART I

REPRESENTATIVE GOVERNMENT

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PREFATORY NOTE

A SUBJECT such as that of Representative Government cannot be adequately dealt with, unless the reading of the pupils is supplemented by a large amount of oral teaching. But the mass of detail which lends itself readily to class-work is difficult to arrange in the form of reading lessons. The system upon which this little book has been drawn up is, consequently, that of a series of reading-lessons dealing with broad principles. It is suggested that not more than one chapter should be read at a time, and that, at the conclusion of the reading, the teacher should supply the details necessary for its illustration.

The present volume, therefore, in no sense supersedes, but is rather intended to supplement, the many excellent manuals of detail which have already appeared.

An Appendix of notes on some of the more difficult points is provided for the use of teachers.

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I. INTRODUCTORY

CHAPTER I

THE STORY OF A ROMAN CITIZEN

1. The city of Jerusalem was in an uproar. Crowds of men ran through the streets, shouting in their excitement, and hastening towards the Temple. At the gate that was known as Beautiful, one man was struggling violently with the mob, who tried to drag him down the fifteen steps, in order, as they imagined, to save their holy places from the desecration of his presence.

2. But the Roman centurion, who was on duty with his soldiers on the roof of the western cloisters, became aware that a disturbance had suddenly sprung up. "The outburst of fury in these Oriental mobs is like the scream of mingled sounds in a forest which sometimes suddenly startles the deep stillness of a tropic night. The rumour spread in a moment from the Temple to the city."

3. Without any delay the centurion sent word to Lysias, the chief captain, that the Jews were trying to kill somebody in the Temple. Lysias and his soldiers instantly forced their way to the scene of

the tumult, and rescued the man from his enraged opponents. When he had seized him, and had his arms bound to two soldiers by two chains, he asked the question, "Who might he be, and what had he done?" But only confused cries rose in answer, and Lysias consequently ordered the prisoner to be marched into the barracks.

4. But as they were about to enter the building, the prisoner appealed to the chief captain, and said, "I entreat you, allow me to speak to the people." "Lysias gave him leave to speak, and ordered one of his hands to be unfettered; and taking his stand on the stairs, the man, with uplifted arm, made signals to the people that he wished to address them. The mob became quiet, for in the East crowds are much more instantly swayed by their emotions than they are among us; and Paul, speaking in Syriac, the vernacular of Palestine, began, 'Brethren and Fathers, listen to the defence I have now to make to you.'"

5. The sound of their own language produced a deep silence. But when the speech was ended, "then began one of the most odious and despicable spectacles which the world can witness, the spectacle of an Oriental mob, hideous with impotent rage, howling, yelling, cursing, gnashing their teeth, flinging about their arms, waving and tossing their red and blue robes, casting dust into the air by handfuls."

6. Lysias, greatly excited, ordered the prisoner to be led into the barracks, and examined by scourging; for, being entirely ignorant of the Syriac tongue, he wanted to know what could have been said to excite those furious yells. But at this moment Paul interposed with a question, "Is it lawful for you to scourge

a man that is a Roman and uncondemned?" The question was addressed to the centurion who was standing by to see that the punishment was duly administered; and he was startled by the appeal.

7. He made the soldiers stop, and going to the chief captain, said to him, "Take heed what thou doest. For this man is a Roman" The point was important. If he was a Roman, Lysias had already twice broken the law; for a Roman could neither be bound, nor, by an express decree of Augustus, could his examination be begun by torture.

8. Hurrying to him, therefore, Lysias said, "Tell me, art thou a Roman?" "Yes." But Lysias, as he looked at him, could not help having his doubts. He himself had bought the franchise at a time when the privilege was very expensive. Whether Paul was a Roman or not, he was clearly a Jew, and no less clearly a very poor one.

9. "With a great sum," he said, "obtained I this freedom" "But I," answered Paul, "was free-born." "The claim could not be resisted. Paul was untied, and the soldiers dropped their scourges." Now the value of this narrative is that it brings out in a striking manner the importance attaching to Roman citizenship nearly two thousand years ago.

10. The world has changed very much since these things happened. The Roman empire has been shattered to pieces; and other empires and kingdoms and peoples have taken its place. But the idea of citizenship, in one form or another, has never died away. We here, in Great Britain, are citizens of an empire larger and in some respects more powerful than even that of Rome. Our citizenship belongs to us all

by right of birth; we have not to pay heavily for it, as did the chief captain. We are never likely, nowadays, to have to put it to the test in the same way as St. Paul. None the less, it is a very precious and a very important thing.

2. *Centurion*. An officer of the Roman army, who was in command of one hundred men. Latin, *centum* = 100.
4. *Vernacular*. The current speech of a country.
6. *A Roman*. A citizen of the Roman empire.
7. *Augustus*. The first Emperor of Rome. Born 52 B.C. Died 14 A.D.
8. *The franchise*. The political rights enjoyed by those who were citizens of Rome.

CHAPTER II

WHAT THE CITIZEN SHOULD AIM AT

1. But it is not quite enough for us merely to know that we, too, are citizens of a great empire. We have to realise what this phrase may mean.

2. Because it is very clear from the story of St. Paul that the fact of being a citizen conferred upon him certain great privileges. In a moment of most imminent danger, it was the one thing by which his freedom was secured. If, then, we are citizens as he was, we may expect to find ourselves possessed of somewhat similar privileges. It is perfectly true that we do possess such privileges, and one of the objects of this book will be to try to explain what they all are. But before we go into any detail, we had better

take it for granted that we possess certain benefits by reason of being citizens; and confine ourselves, for the present, to thinking of what it is we have had to do, or what it may be that we ought to do, in order to secure ourselves in the enjoyment of these advantages.

3. Recall to your mind the different circumstances of those men, Lysias and Paul. Which of the two do we ourselves most closely resemble? The former had said, when he heard Paul claim the citizenship, "With a great sum purchased I this freedom." And you will remember that Paul instantly replied, "But I was free-born."

4. What is the position held by us, who are citizens of the empire of Great Britain? We do not now purchase our freedom and our privileges. They have been won for us during the long course of many centuries by the great statesmen, the wise kings, the learned men who have gone before us. We do not have to buy them with a price. They have been acquired for all the members of the British empire: they are ours by right of birth. We, like Paul, are free-born.

5. But if they have been so acquired in the past, and if we do not, like Lysias, have to pay down great sums of money to secure them to us, we must never forget that something is always expected of us with regard to them. We cannot have these privileges of citizenship for nothing. They confer upon us, who now enjoy them, the inestimable privilege of freedom. We ought, it is very clear, at any rate to try to prove that we are still worthy of enjoying the advantages which they bestow.

6. The first thing, then, that every one of us ought

to aim at is this—to see that on no account, or by no pretext whatever, are the great privileges of our citizenship taken away from us or destroyed. This is, above all, what every citizen should aim at in the interest of his country.

7. The question naturally arises, how is this end to be attained—what can we, as private individuals, do towards preserving these privileges, which, so far as we understand them at present, seem to be the public right of all? The answer to the question is this—that although we may be simply private individuals in our ordinary life, yet, by reason of being citizens of a great empire, and in consequence of enjoying the advantages of citizenship, we have, every one of us, a public capacity as well. We shall find that public duties accompany all forms of work in life; and that *the proper performance of our public duties is the price we have to pay for the privilege of citizenship.*

8. Then we are obviously led on to another question—what are our public duties, and how are we to find them out, and that is exactly the matter that this book is intended to explain. The duties cannot be put into half a dozen words. They can only be understood when the whole subject is gone through; but by the time you have come to the last chapter, you will, I hope, understand something of what you are expected to know.

9. Meanwhile, there is one point that you may as well bear in mind, though you may not be able to realise the full meaning of it just yet, and that is, that a citizen, when he is properly performing his public duties, and so is paying the price for his private privileges, ought always to think of other people besides

himself. He must remember that there are plenty of other citizens in the empire, and that what he does in his public capacity will affect every one of them in a greater or a less degree.

10. In the same way, everything that they do will affect him; and as he ought to keep them in mind, so they ought to keep him in mind; and if this principle is once thoroughly understood, and properly acted upon, every citizen will come to see that, in the exercise of his public duties, the serving of personal interest alone is not enough. For the better ordered a community may be, the greater is the benefit that will accrue to each individual member. They all form the parts of one great whole.

- 2. *Imminent*. Being just about to fall. Do not confuse with *eminent*.
- 5. *Inestimable*. That which cannot be valued too highly.
- 6. *Pretext*. Ostensible reason.
- 10. *Accrue to*. Come to be possessed by.

CHAPTER III

THE REASONS FOR ATTACHMENT TO OUR COUNTRY

1. Perhaps it may be difficult for you to understand why the performance of certain public duties is expected of us; and it may seem that the possession of certain privileges is not an adequate reward for the undertaking of matters which will clearly involve a considerable amount of trouble.

2. We ought, therefore, to train ourselves to

think of our public duties as *being much the same thing as private duties, but on a larger scale.* We have a love for our homes and our family. We ought in the same way to feel an attachment to our country and our fellow-subjects. We owe to our relations, our parents, our husband, our wife, our children certain duties with regard to the conduct of everyday life; we owe similar duties, only on broader lines, towards the government of our country and towards all those who dwell in it.

3. We have a liking, and perhaps more than a liking, for the place where we were born, and where our lives are passed. We should have, in the same way, a love for the whole of our country as opposed to all other countries; and ought to do everything that lies in our power to preserve it from harm.

4. The affection that we feel for our immediate belongings and for our own particular dwelling-place should expand into a true spirit of patriotism when the empire is concerned. We are but poor citizens and neglectful of our duties if we do not do all that we possibly can to make our country great and prosperous and honoured in the world.

5. And if we continue to enjoy the privileges of citizenship while neglecting its duties, we are as culpable as an able-bodied man would be who refused to work, but lived upon his parents instead; or as a woman would be who spent her husband's wages upon her personal gratifications, and neglected to keep his home clean and tidy for him and for the children.

6. There is yet another point by reason of which it behoves us to do our best for the state and the empire at large. We said in the last chapter that

many of the privileges of citizenship had been won through long centuries by the hard work of statesmen, of scholars, and of kings. We of the present generation, therefore, owe a large debt of gratitude to multitudes of those who have gone before us.

7. But because they have so gone before, we cannot show our gratitude to them personally; all that we can do is to make an acknowledgment of our indebtedness by taking care that the heritage they have handed to us is preserved from harm. If, through the struggles of many great men in the past, we are now in the full enjoyment of freedom, it is the least that we can do to guard and cherish that freedom with a jealous care.

8. When other generations, in the time to come, shall have succeeded our own, we shall be looked upon by them in the same way that our predecessors are now looked upon by us. We have consequently a double duty to perform; firstly, to see that that which our forefathers gained is neither diminished nor destroyed; secondly, to try to add to the benefits that our children and grandchildren may enjoy.

9. And we must always remember that, as there is no one in the empire so humble as not to possess some privilege of citizenship, so there is no one who can escape from the obligation of doing all in his power to preserve those privileges.

1. *Adequate* Sufficient

4. *Patriotism*. A regard for the welfare of our native land Latin, *Patria*, a fatherland.

Poor. Unworthy.

5. *Culpable* Guilty.

6. *Behoves us*. Is necessary for us.

II. THE NATION AND THE STATE

CHAPTER IV

THE MEANING OF THE WORD CITIZEN

1. The word citizen means originally a man who dwells in a city or a town; that is to say, one who lives in constant intercourse with a great number of his fellow-men. But there are now implied in the word certain other ideas which have arisen from the way that men behave when they are so thrown together; and these ideas may be divided into two heads: firstly, the group of RIGHTS which every citizen possesses; and secondly, the group of DUTIES which every citizen has to perform.

2. What do we mean by these words RIGHTS and DUTIES? They are perhaps a little difficult to understand at first; but their importance is so great, that we must try to get their meaning quite clear. Let us take Duty first, because it is the easier word of the two. We all know pretty well what it is to owe a duty to anybody. Children owe the duty of obedience to their parents and teachers. Servants owe the duty of doing their work properly to those who employ them. Husbands owe to their wives the duty of

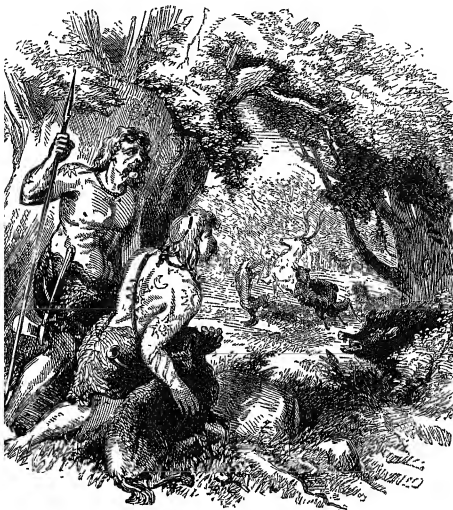
supporting the home. Wives owe to their husbands the duty of keeping the home comfortable and clean.

3. Now a Right is the same thing as a Duty, *only looked at from the opposite side*. Servants owe to their masters the duty of doing their work; and the masters have a right against the servants that the work shall be done. Servants have a right against their masters that wages shall be paid when the work is properly performed. Masters owe it as a duty to their servants to pay the wages punctually. If you will remember that a right and its duty are the two opposite sides of the same thing, you will understand what is meant by the old saying that there can be no duty without its corresponding right.

4. Both rights and duties have slowly grown up in the course of centuries; and can hardly be said to exist at all except when men are living together as a community. If you can imagine what must often have happened in primitive times, when one family or tribe dwelt quite alone, far away from everybody else, in some lonely spot among the woods and mountains: then that family or that tribe, since they were quite self-supporting, would not be under any obligation or duty to any other family or tribe, and, on the other hand, as they did not do anything for anybody else, so they had no rights.

5. But it is impossible for families, or even tribes, always to live quite alone. Sooner or later, they are bound to mingle with other tribes, or else they increase and multiply themselves, and develop into peoples dwelling in villages, or towns, or cities. Some of them even go further still, and become great nations. Long, however, before any such final developments are

reached—as soon, in fact, as a few families form a community—and understand, however imperfectly, these ideas of owing duties to one another, and of



HUNTING WILD ANIMALS FOR FOOD

possessing rights against one another, the *first crude notion of citizenship begins*.

6. And it is interesting to notice that in all probability it was brought about by the growth of

another very important idea ; an idea that may even have existed where one family lived all alone ; but which was certainly bound to make itself felt as soon as a community increased to any appreciable extent. This was the idea that *each man was entitled to keep as his own the things that he had made or had acquired for himself.*

7. If, for example, the members of some tribe lived by hunting wild animals for food, it might be no uncommon thing for one of them, cleverer than the rest, to invent a bow or a spear which was better than any of the bows or spears which the other men had. Then it would be found intolerable if these others, jealous of their comrade, or too lazy to make more bows for themselves, were to go to the hut of the clever man, and steal his bow while he was away or asleep.

8. For not only would there have been the serious theft of a bow, but the idea could have been carried a great deal further. The lazy ones, for instance, might never go out to hunt at all ; because, if they were allowed to steal a bow, they would with quite as much reason be entitled to lounge in their huts all day, and in the evening to seize the game or food which the industrious ones had been at the trouble to procure. Consequently no man would be safe in the possession of anything, and the community would soon fall to pieces.

4. *Primitive times.* Early times, of which there is no historical account.

5. *Crude.* Rough ; incomplete

CHAPTER V

THE MEANING OF THE WORDS STATE AND
GOVERNMENT

1. So what is known as CUSTOM gradually grew up, and each man expected to enjoy the undisturbed possession of his own particular things. He had a RIGHT with regard to them against the rest of the community; and it was the DUTY of the rest not to disturb him in his possession. But the lazy and worthless ones often struggled against such customs, and tried to obtain wrongful possession of other people's goods; until it was felt that those who broke through custom deserved to be punished, because their conduct, if permitted and persisted in, would have made it impossible for any community to keep together; and however pleasant or easy it might be for them to seize the implements or the food that others had worked for, it would clearly be disadvantageous for the greater number of their fellows, that is, for the *majority*.

2. So the custom came about that the individual would have to restrain himself from doing things that were disadvantageous to the majority; and further, that if he did not so restrain himself, he would be liable to punishment at the hands of the rest. But here, when this point is reached, we come to a very important stage, because custom seems to harden and solidify; and as soon as the breaking of

it is attended with punishment, it ceases to be custom, and grows into LAW.

3. The very word *law* tells us how it has chiefly arisen from custom, because it is a modern form of the old English word *lagu*, which means "something that is laid down," i.e. something that the majority of the people have agreed to accept and observe. And by the fact of custom hardening into law, the idea of citizenship is put on to a firm and sure footing. The rights and duties of each citizen are no longer merely arrived at by the occasional observance of what is felt to be convenient, but are enjoyed, or performed, because they are guaranteed, or ordained, by the law.

4. Upon some system of law, then, that has grown out of custom, the whole of our citizenship depends. How is this machine of law set going, and kept in working order? Who is it that decides upon the punishment that shall be inflicted when the law is broken, and when the rights and duties of citizens are consequently invaded? Who, also, administers the punishment, and so keeps in check the doers of evil?

5. This is the work that is undertaken by the GOVERNMENT of a community, that is to say, by a certain body of persons who in some cases give the whole of their lives, or in other cases give part of their time, to the proper administration of the law. And when a *community* once has a *government*, then it begins to enter upon another stage of its development, and is entitled to be called a STATE.

6. This word *state*, therefore, comprises in itself all the different ideas of which we have been reading. It implies a *community* of men, more in number than one family, or even tribe; it implies, also, that they

have realised their possession of *rights*, and their obligation of *duties*. It includes the notion of the growth of *custom*, by which the observance of these rights and duties has been regulated in a way most convenient to the majority of the community. It also includes the idea of *law*, which sanctions or permits the infliction of punishment if custom is broken through. It covers as well the conception of a definite body among the community, known as the *government*, by whom the observance of the law is enforced.

7. Now we have to notice that, in different states, the government assumes different forms. In some countries there is a *Despotic Government*, when the control of affairs rests absolutely upon the will of one man. This form of government may be found at the present day in the empires of Russia and of Persia, where the Czar and the Shah respectively keep the whole conduct of the State absolutely in their own hands.

8. In other countries there may be one kind or another of a *Representative government*, the fundamental principle of which is that *every citizen shall take some share in the making of any new laws*. Representative government can assume various forms; such as that of a *Limited Monarchy*, which we possess now in England; or that of a *Republic*, such as is known in the United States of America, and, at present, in France.

9. But whatever form the government of a state may take, it is only *a means of securing the proper observance and conduct of the law of that state*; and, in every case, the bulk of the law has come about from the agreement of the majority of the community as to

certain customs which have been handed down from prehistoric times.

2. *Disadvantageous.* Attended with disastrous consequences.
Solidify. Become solid and permanent.
9. *Bulk.* The greater part.

CHAPTER VI

THE RESPONSIBILITIES INVOLVED IN REPRESENTATIVE GOVERNMENT

1. We, who are subjects of the British empire, have now got so accustomed to the rights brought by our citizenship in its train, that sometimes we hardly realise how important and far-reaching they are. Nor do we always pay much heed to the duties by which they are necessarily accompanied.

2. This is not, of course, a fitting state of things. Every citizen ought thoroughly to understand and adequately perform his duties, for the sake of the community at large; because, by reason of being a citizen, he cannot live in a state of selfish isolation. His welfare, too, is intimately concerned with the welfare of others; since the *interests of the community are merely the aggregation of the interests of each individual.*

3. Perhaps you may not understand how this may be. Let us go back to our primitive family, and think of the times when the lazy man tried to steal instead of taking the trouble to work, and when

it came slowly to be a matter of agreement that such breaking through of custom ought not to be allowed.

4. Suppose that there were three men in the family or village—A, B, and C; and that A was the one who had made the bow, and B was the one who had stolen it. You may say that this was a matter which was of no concern to C; and that therefore he ought not to have interfered. By no means; for the interests of C are at stake as well. If B were allowed to go on with his dishonesty unchecked, C's own bow might be stolen the following day. But by helping A to keep B in order, C secures that his own property shall be free from ultimate attack.

5. Therefore what looked at first like a piece of business affecting A alone, is really one which touches C, or D, or E, or as many other people as there are in the family. So, nowadays, if a riotous mob assembles in the streets of a town, no good citizen will give it any encouragement or help. The rioters may perhaps break into a jeweller's shop, and help themselves to his gold or precious stones. But every *other* tradesman in the country will have an interest in the quelling of the mob; for, were the riot allowed to continue, it might come to be his turn to be plundered the next day.

6. So we can say most definitely that the interests of the community are the aggregation of the interests of each individual; but we have also to add a little more to this description, in order to provide for a point which might here be raised, and to combat an argument which might be brought forward to the effect that, consequently, by furthering our own in-

terests, we must always be furthering the interests of our fellows. This, however, is not the case, because *sometimes an individual interest may be antagonistic to the interests of the community.*

7. Take the instance, once again, of the man B, who stole the bow. He might argue that, by such a theft, he was serving his own interests, because he came into possession of a useful weapon without the trouble of making it. No doubt, so far as he alone is concerned, this is true; but, as we have already seen, the theft is *directly* antagonistic to the interests of A, and *indirectly* antagonistic to the interests of C, D, E, and the rest.

8. The shape, therefore, into which we must cast our description will run like this: that the interests of the community are the aggregation of the interests of the individual: *but these individual interests must be such as tend towards the welfare of the majority.* If, therefore, we recognise this as the basis or understanding upon which a community rests, we shall see that it is applicable, not only to the actions of solitary individuals, but to the actions of the various classes or sections of the community as well.

10. It is no doubt often hard to feel that personal wishes have to give way before the more important general good. It is quite easy to understand that B, who stole the bow, would feel annoyed at the interference of A and C. But by the yielding of personal desires to the common good, a definite gain is made in the end. We may not obtain some particular benefit for which we sought; but we derive increased advantage and security in other things. By such a system of mutual give and take, communities are not only

made possible, but are provided with firm principles on which to rest.

11. When we have accepted these general truths, the next thing is to see how they work in actual practice, so far as we ourselves are concerned. We have spoken already of the rights and duties that exist as between individuals, in the case of masters and servants (p. 11); and it is not difficult to follow them up in the other relations of the home-circle. From the family, they can easily be extended to the *place* where the individual happens to live; and, when once we leave the family, we come more clearly into contact with the general claims of the public good.

12. A man living in a village has, for example, no right to wilfully pollute any public service or supply of water; not only on account of the obligation under which he lies towards the rest of the villagers, but also on account of his duty towards the whole nation—the obligation, that is, not to spread disease. The same idea is present, in this case, that underlies the punishment of B for stealing the bow. The conception can be extended from the village to the town, the kingdom, the empire at large. Our citizenship, with all its rights, is truly our birthright; but we can never escape from the duties which it involves.

- 2. *Aggregation.* The sum total.
- 3. *Combat.* To oppose; to overthrow.
- Antagonistic.* In opposition to.

III.—REPRESENTATIVE GOVERNMENT

CHAPTER VII

WHAT REPRESENTATIVE INSTITUTIONS MEAN

1. When we spoke, a few pages back (p. 16), of the groups into which governments may be divided, we made use of a couple of terms which need a good deal of further consideration. The first of them, it is true, seems rather to speak for itself. Despotic government clearly means government by a despot; and the word despot, as our dictionaries will tell us, comes to us from the Greek, and signifies a tyrant or supreme master.

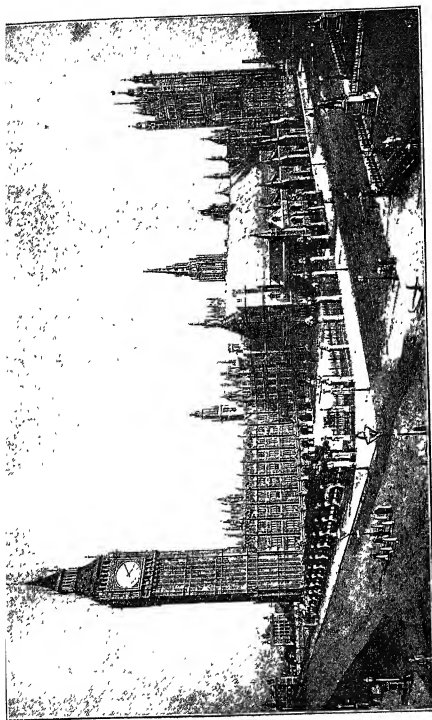
2. If the despot be a wise and benevolent man, his system of government may be beneficial, but, if he be a bad man, his government will be evil and harsh. Nor is there any security for the people of the state that, if one despot is good, the next will be his equal. One might be benevolent, and his son or grandson, who came after him, just the reverse; nor even, if a new despot were chosen each time from different families by election of the whole people, is there any guarantee that the best person would be secured, because there is nothing to prevent the choice of popular elections from falling upon quite unworthy individuals.

3. Thus there are certain obvious dangers attaching to despotic governments, while their benefits are doubtful; and it seems better for a large community not to trust itself implicitly to the hands of any one man. Such dangers are almost entirely avoided by the adoption of one of the various forms of democratic or representative government; so that it is very necessary for us to understand exactly what this term *representative* may mean.

4. We have seen that in every state there is a system of *law*, which it is the work of the *government* to uphold and enforce. To keep the machine of government going, it is necessary that there should be in existence some motive power, which acts towards the government just as the steam acts towards a steam-engine. This motive power in the case of a government is known as *sovereignty*. In a despotic government, the sovereignty rests in the hands of some *one* man. In the case of a democratic government, *the sovereignty is vested in the entire aggregate of the community*.

5. The method by which this result is arrived at varies in accordance with the custom of different countries; and in the Appendix to this book, we shall see in what way certain foreign nations are ruled. But we are concerned at present with the affairs of our own empire; and the next thing we have to learn is this, that in Great Britain the sovereignty is placed in the hands of the High Court of Parliament.

6. This may seem at first sight a contradiction of the statement that the sovereignty in a representative government is vested in the entire aggregate of the



Photo, Falcitino & Sons, Dundee.

THE HOUSES OF PARLIAMENT AND WESTMINSTER HALL

community. But it is not a contradiction, for in Great Britain, the High Court of Parliament does adequately represent the whole of the community. In order, however, to realise this, we have to be careful to remember what this phrase, the High Court of Parliament, actually implies. It does not mean the House of Commons alone, as a great many imperfectly informed persons are apt to think. It means *the Crown, the House of Lords, and the House of Commons all acting together*, and it does *not* mean any one section of these three apart from the other two. Neither does it mean any *two* of them acting together, to the exclusion of the other *one*; but it means the three taken together, who, so taken, fully represent every person in the empire.

7. Of the three parts, the sovereign, who occupies the throne, is known by the name of the Crown; and the sovereign, whether king or queen, exercises so important an influence upon the community, that the central assembly has from the earliest times exercised the right of preventing an unsuitable person from ascending the throne.

8. The House of Lords has come straight down from the famous tribal assembly of Anglo-Saxon times, known as the Witenagemôt—an assembly of which you have read in your books upon history. It is the oldest of the three portions of Parliament, because witenagemôts were in existence long before England had any kings. It is composed of all the noblemen of Great Britain; with a certain representative number of those of Scotland and Ireland; and it includes as well the Archbishops of Canterbury and York, twenty-one of the bishops of England and

Wales, and two or three eminent judges, who are known as Law Lords.

9. The House of Commons has developed from a custom begun in Anglo-Saxon times of consulting a few men chosen out of each district to represent all the inhabitants of that district; but in its present form, it only dates from the days of Edward I., by whom the Model Parliament was summoned in 1295. It is the youngest of the three portions of Parliament. Those who belong to it are chosen to sit there by such of their fellow-citizens as possess the *franchise*, or right of voting.

10. This right is now granted to nearly every adult male person in the United Kingdom. Of those whom they select to sit in the House of Commons, some represent the inhabitants of the divisions of the country known as counties; others represent the inhabitants of boroughs or towns. And there is no spot of land in Great Britain, however sparsely populated, which is not represented in the House of Commons.

11. Nearly every man of full age, moreover, has a share in the choosing of the person who shall so represent him in the House of Commons; and it is by this means that the long chain is wrought together, and that all the links are complete. We have a great system of law, which it is the business of the Government to protect and to administer. We have the supreme power of protection or administration, the sovereignty put into the hands of the High Court of Parliament. We have a Parliament consisting of three parts—of Crown, or Sovereign; of the House of Lords; and of the House of Commons. And lastly

we have the majority of adult males entitled to exercise their choice as to who shall go up to represent them in the House of Commons. The supreme power in the State rests, therefore, upon the aggregation of the people of the State.

4. *Motive power.* That which causes something to be set in motion.
7. *The Central Assembly.* A term applicable to such bodies as the *Witenagemôt* of the Anglo-Saxons, or the *Great Council* of the Normans, by which the functions of Parliament were performed in the days before Parliament existed. Accent *Witenagemôt* on the first syllable and on the last.
10. *Sparsely.* Thinly ; insufficiently.

CHAPTER VIII

THE CO-OPERATION OF THE PEOPLE IN THE WORK OF GOVERNMENT

1. It may seem to you, at this stage, although the sovereignty of the empire rests upon the aggregation of the people, that nevertheless the part played in the whole by each individual is shadowy and intangible. The mere exercise of a right of voting at general elections, which, after all, do not come about so very often, does not appear to imply any considerable share in the government of the country.

2. This argument possesses a great amount of truth, for though the importance of the right of voting cannot easily be exaggerated, the effect of votes can only be judged in the mass, and not individually.

But it must always be remembered that there are many ways in which a citizen can do his duty towards his country besides the honest performance of the act of voting, and these other ways can be grouped under a general head, and may be called the co-operation of the people in the work of government.

3. In the first place, the exercise of the parliamentary franchise is a matter affecting the government of the entire empire. But we shall see presently that the machinery of government falls into two great groups; one of Central Government, which undertakes the supreme responsibility; and the other of Local Government, which looks after the particular affairs of particular districts.

4. Now the ordinary citizen is only brought into touch with the Central Government by means of his parliamentary vote, by his payment of taxes (see p. 138), and by reason of his obligation to obey the law of the land. But in matters of local government, he can often take an actual part in the management of the affairs of his own particular district. The ways in which this result can be brought about will be explained presently. What we have to remember now is that the duties of a citizen are not far to seek; on the contrary, they always lie ready to hand.

5. But there is this other point to be borne in mind—that they are never duly or properly carried out, if they are used simply for purposes of personal aggrandisement. It is open for any citizen to try to get himself elected on to a Parish Council (see p. 48), to a School Board (see p. 55), and to a County Council (see p. 48). If he does this merely for the sake of the importance that he thinks it brings to him, he is

betraying the interests of his country, and is subordinating the welfare of the community to his own personal vanity. And if, having got himself into any public position, he makes use of that position to emphasise his personal likes or dislikes, or to avenge a private quarrel, or to gratify a social jealousy or a personal pique, he then renders himself contemptible in the eyes of all rightly thinking men.

6. For the performance of public duties must never be looked upon as a means, or as a stepping-stone to personal advancement; nor can any man do his duty properly towards his country and towards his fellow-subjects if he undertakes the performance of public functions with such an end in view. This temptation does not exist, directly at any rate, in connection with local matters; and the possible evil is carefully guarded against in connection with central matters (see p. 135).

7. So far we have dealt with the cases of those persons who seek to take an active part in public matters, whether local or central. But there are, of course, many thousands of people—the great majority, in fact—who have neither the capacity nor the wish to be personally concerned with the affairs of government. It is enough for them if they can be continued in safe and steady work, earning sufficient wages, living quietly and respectably, and leaving the control of affairs in other people's hands. Such persons are quite as valuable citizens as those who take an actual part in the conduct of affairs; sometimes, in fact, even more so; and they, too, co-operate very largely in the work of government.

8. For by their quiet and steady lives they render

the task of government a lighter one so far as the central government is concerned, and by their example they help their neighbours to regulate their own lives in an orderly manner. For the first and most important duty of any citizen, no matter what his position may be, is to obey the law, and not to attempt to take it into his own hands. If the law, as he thinks, presses hardly either upon himself or upon other persons in whom he may be interested, then he is justified in endeavouring to get the law altered by all the legitimate means in his power. But so long as the law remains upon the statute-book, he and every other citizen must obey it; for, without such obedience, the whole work of government is impossible; and everything falls into insecurity and confusion. And the rendering of such obedience is the most valuable co-operation that a citizen can give.

1. *Intangible.* That which cannot be touched.
3. *The exercise of the Parliamentary franchise.* The exercise of the right of voting at the election of members of Parliament.
5. *Aggrandisement.* Increase of personal importance brought about by unworthy means.
- Subordinating.* Making subject to, or dependent upon.
- Pique.* Spite.
7. *Co-operate.* Take a share in; assist.

CHAPTER IX

THE POWER OF THE MAJORITY

1. An idea is by no means unlikely to occur to you at this stage, which may perhaps perplex you a

good deal until it is explained. You may say, "We understand that one part of Parliament, the House of Commons, is made up of persons who are chosen by the rest of the community to represent them; and we further understand that the right of exercising this choice belongs to nearly all the adult male people in the kingdom. But we do not understand how any result can be brought about, unless all the adult males in each county or borough of England agree to choose the same person to represent them. What would happen if some of them wanted one man, and some preferred another?"

2. It is quite right to ask this question, because upon the answer to it depends one of the most important points in connection with representative government. The answer is this—that it does very often, in fact almost always, happen that some people want one representative, and some people want another; and the only way out of the difficulty is to send up to the House of Commons the man who is approved of by the *greater number* of those who have a voice in choosing. Does this remind you of anything else we have read of already? Is it not very like the matter of the stealing of the bow, about which we read in Chapter IV.? In that case, B, who stole the bow, would have had to give in because the people who objected to the stealing of the bow were more numerous than he. Customs arose, and gradually hardened into law, because they were in accordance with the views of the *majority* of the people.

3. So, in almost just the same way, those men are sent to the House of Commons to represent their

fellows who are approved of by the *majority* of those who have to choose a representative. But remember that those who make up the minority, although they are like B in this respect that they have had to yield to the wishes of the greater number, are unlike him in another respect, because it by no means follows that they are entirely wrong and wicked as he was when he committed the theft. On the contrary, they may be really right, and the majority may really be wrong; but representative government tries to take heed of the wishes of the greater number, and cannot, in actual working, go further than help to put their wishes into practical effect.

4. But it is very unlikely that everybody will always think the same, especially upon such matters as are discussed when some one has to be chosen to go up to the House of Commons; and we are justified in saying that in all probability there will always be differences of opinion, and, in consequence, a division into a majority and a minority of those who have to choose.

5. We shall, however, be wrong if we go away with the idea that a majority always exists on the same side, or that while it exists it is always powerful. A majority is at all times liable to be turned into a minority by reason of a change of opinion on the part of the voters. Suppose that in a certain district there were a hundred men who had the right of choosing, and suppose that some wanted X to be chosen, and others wanted Y.

6. If sixty out of the hundred voters voted for X, there would be a minority of forty only who would be left to support Y; and X could go up to the House

of Commons on the strength of his majority, and the remaining forty people would for a time be unrepresented. But during the time that X was sitting in the House of Commons, a good many of his sixty friends might grow discontented either with what X did himself; or they might no longer be in favour of the ministry whom X was supporting. Then, at the next election, some of them might no longer vote for X, and Y would be able to take his place.

7. When this kind of thing happens in real life, it acts as a very important check upon that power of the majority which at first sight seems so great and insurmountable. There is seldom anything to prevent what is a majority at one time from becoming a minority soon after, by reason of change of opinion, or of increase of knowledge. *The force of public opinion*, as it is called, is one of the strongest influences at work in a representative government; and by it the power of a majority is kept in check. It is a very good thing that such should be the case; for, as was pointed out many years ago, one of the greatest dangers to all systems of representative government is the fact that a majority may degenerate into a body which legislates exclusively for its own interests.

8. It is true that there is often a want of stability about the work of representative bodies; a result due to the fact that each successive elected body may reverse the decisions or actions of its predecessors; and this want of stability may seem to minimise the danger of tyranny on the part of the majority.

9. But there is an old saying that prevention is better than cure; a saying which applies to political no less than to sanitary matters. So it is far safer for

the community that the action of the majority should be held in check by a healthy public opinion than that those actions should have to be corrected, or possibly swept away altogether, as soon as the majority ceases to exist.

10. Clearly, then, we ought to think a good deal about the formation of this public opinion, and see, as far as possible, how it may be set on foot, and how it may be developed. It is one of the duties of a citizen that lies within the reach of all; even within the reach of those who are not anxious to take actual part in public affairs. It must be brought about, in the first place, by cultivating an intelligent interest in the affairs of the day; and secondly by an honest endeavour to arrive at a sound judgment upon those affairs.

11. It necessitates a knowledge of the matters under discussion, together with a capacity for distinguishing the merits from the demerits of a question; and above all, a power for upholding that side which in the end will be for the advantage of the community. In most of the questions that are dealt with by local government bodies, any man of average intelligence will have a sufficient knowledge of the facts of the case.

12. But if it is a question dealt with by the Central Government, then a much greater care has to be exercised. Not only do the important questions of political life demand a wider acquaintance with facts than is usually enjoyed by the ordinary citizen; but they require as well an intimate knowledge of many circumstances which seldom become public property at all.

13. Still, the difficulty of becoming acquainted with the necessary knowledge should act rather as a stimulus

than a deterrent to the citizen who is really anxious to do his duty towards his country. He will, of course, be largely helped by the public press, from the columns of which he will be able to obtain a store of political facts which otherwise would not come into his cognisance at all, and from the leading articles of which he will glean the views of men, who, if not actually politicians, at any rate have a considerable acquaintance with political life.

6. *Ministry.* The body of ministers who are carrying on the government. See p. 116.
7. *Insurmountable.* That which cannot be got over.
As was pointed out many years ago. See *Representative Government*, by John Stuart Mill
8. *Stability.* Fixedness of aim or purpose.
Minimise. Make as small as possible.
13. *Stimulus.* That which urges on.
Deterrent. That which checks, or holds back.

CHAPTER X

THE NEED OF PUBLIC SPIRIT AND INTELLIGENCE

1. Although, as was said a few pages back, it is quite possible for a man to be a good citizen even while he lives privately, yet there is no doubt but that he should try to avoid the evil of falling into a state of apathy with regard to the conduct of public affairs.

2. And when he has got so far as to be able to make sure that such things are of interest to him, then he must try to learn what is a much more difficult

lesson still; and that is, to approach every such question with an open mind, and to be always ready to acknowledge that he may have been in the wrong.

3. But this is an extremely hard task, and one that very few people ever succeed in thoroughly accomplishing, although, as a matter of fact, no real public spirit can be cultivated without it. For public spirit does not imply the violent assertion of any one man's particular views, and still less does it mean the employment of public machinery for the gratification of private enmities or of private desires. But it does mean an honest and just endeavour to appreciate all the difficulties of public questions, based upon a really sincere desire to do that which shall, in the long run, be beneficial to the community.

4. Again we can ask, as we have so often had occasion to ask before, how is this true public spirit to be cultivated. And the answer must be made on similar lines, that it is only by painstaking endeavours to acquire a sound knowledge of men and things, and by the aid of education in its best and fullest sense.

5. For education means a great deal more than merely the reading of a large number of books, or the massing together in one's memory of a multitude of facts. Such processes, however useful they may be, will only form the groundwork upon which the real structure of an educated mind can be raised. A man who never goes any further may be a very well informed man. He may know a great many things, and have a reliable store of information upon which to draw. But it does not by any means follow that he is an *educated* man in any true sense of the term.

6. Because the word education implies by its origin

that something more is necessary than the mere acquisition of knowledge. The facts must be acquired ; but they must also be assimilated. They must be put into the brain by reading and study ; but they must also be capable of being *drawn out* for application to the actual experiences of life.

7. And unless this wider view of education be taken, no one, however well read, will succeed in raising himself above the level of a mere reference machine. Nor will he be mentally strong enough to shake himself free from prejudices or ignorance.

8. The more truly educated a man is, the more he is always ready and willing to learn. This is because if he has won for himself the advantages of real learning, he comes then to realise how very little, after all, it is ever possible for man to know. There is no surer sign of an uneducated man, however well informed he may be, than the presence in him of the spirit that makes him think he has no more to learn. It is quite impossible for such a man ever to develop a true public spirit, because he is lacking in the one thing that is most of all essential to that spirit, namely in intelligence.

9. But it has also to be remembered that every honest effort towards the acquiring of public spirit and intelligence will help to render the task easier in the long run. If a man is really ready to learn, he is sure to find helps towards his education awaiting him on every side. Provided that he can avoid the snare of endeavouring to direct others before he has finished learning himself, and provided that, in his attitude towards public affairs, he subordinates his personal ambitions and prejudices and enmities to the general

good, he will have advanced a great way towards becoming a good and a useful member of the community.

10. He will do still better if he never leaves out of sight the great factor of human nature, and modifies his masses of hard theory by taking into consideration the follies as well as the virtues of his fellow-men. But to do this he must seek a knowledge of many different kinds of men, and must realise that no two human beings are exactly alike. He must also try to learn something of the vast differences of thought and experience that mark off each section of the community from the rest; and he must not imagine that his own particular experiences and his own particular desires represent the experiences and the desires of all his fellows.

1. *It is quite possible for a man to be a good citizen even while he lives privately.* The ancient Greeks held a view directly the opposite of this. They thought that if a man lived the life of a private individual (*idiotēs*, as he was called), he must necessarily be infirm in mind, and so incapable of performing public duties. Hence our word *idiot*.
2. *An open mind.* A mind that is unprejudiced, and willing to own itself in the wrong.
3. *Enmities.* Dislikes.
6. *Assimilated.* Absorbed, and made part of oneself.

CHAPTER XI

THE DIFFERENCE BETWEEN LOCAL AND CENTRAL GOVERNMENT

1. We have now to realise that the machinery of government falls into two parts—LOCAL AND

CENTRAL; and we must try to understand very clearly what may be meant by this difference between the two. Suppose we go into a certain town, and see that a manufacture is carried on in that town which involves the production of a great deal of unpleasant smoke and possibly of actually harmful chemical fumes. We shall find, in all probability, that there are rules and regulations in force in the town which insist upon the manufacturers regulating their furnaces and works in accordance with certain conditions. The object of this is to save the inhabitants of the town from as much annoyance or injury as possible.

2. Regulations of such a kind are put in force by the system of law under which we are governed, and so the work of enforcing them belongs to the province of government. But notice this, that these laws are only of importance in towns or districts where the objectionable manufactures are carried on. There is clearly no need to have them in agricultural districts, where the work of the fields is done in the fresh country air. And there is consequently a difference between such laws, which apply only to certain places or districts, and laws like those against murder or theft, which apply to any part of the empire you like to name.

3. We call, then, by the name of LOCAL GOVERNMENT *that branch of Government which deals with matters relating only to certain particular places*; and we call by the name of CENTRAL GOVERNMENT *that larger portion of Government which deals with all the matters that affect the entire empire*.

4. We must understand, therefore, that there is one supreme central government for upholding and

administering the law, and that this government is vested, in the British empire, in the High Court of Parliament, by which we mean the Crown, the House of Lords, and the House of Commons acting together ;—that this central government is responsible for everything ;—and that every body of people or officials who undertake the work of local government hold their permission to do this work from the central government, and could not exist at all unless the central government gave them leave. More than this, as the central government has called them into being, so it could put an end to them and their powers whenever it chose.

5. This system has been arranged because the number of affairs requiring to be seen to throughout the empire is far too great for the central government to be able to attend to them all. Moreover, though they are all of them important and necessary, yet the interest of many of them affects merely a certain district and not the empire at large. The central government, therefore, wisely *hands over* a certain portion of its power to each body connected with local government. To use the proper phrase, it *delegates a portion of its sovereignty*. But always remember that though it delegates its sovereignty, it does not give it entirely away.

6. For it would not do at all to hand over entire responsibility to each local government body. Such a procedure would result in a *division*, not a *delegation*, of the power of the central government ; and the central authority would first of all be weakened, and then, in course of time, absolutely destroyed. Besides which, plenty of matters are sure to arise which could

hardly be called either central or local affairs, but which touch the interests of both; and these have to be dealt with first by the local authorities and then by the central.

7. Suppose that in a certain town called A the School Board finds it has to build more schools. It requires money for this work, and, in accordance with the power delegated to it, it raises the necessary sums by levying an additional rate. Now, this is a purely local matter. It is of interest and importance to the inhabitants of A; but it does not concern in the least the inhabitants of another town, miles away, called B. It is, therefore, dealt with and settled by the local authorities of A.

8. Suppose, on the other hand, that in the town of A a certain man commits a murder. Can this crime be enquired into, and its punishment decreed, entirely by the local authorities in A? Certainly not. They undertake, it is true, all the preliminary work, and they hold the preliminary enquiries; but the final decision on the matter rests with the central government, and the murderer, if arrested, is tried before a judge appointed by the High Court of Parliament.

9. Why is this? Because in great crimes, such as those of murder, something far more than the local interests of the town in which the crime was committed are at stake. The interests of the whole nation are at stake. If the murderer escaped from A, there would be nothing to prevent him from committing another murder in B, or in any other part of the country. And even if he himself committed no more murders, the fact of his having got away might encourage other people to commit more murders else-

where. But the local government of A has only authority to act in A, and could take no steps in B, whatever might happen there.

10. So here the central government steps in, and shows by its action how it controls and regulates everything that happens throughout the entire kingdom. And it does not clash with the local government authorities. On the contrary, it works hand in hand with them; for they are part of itself. But the whole is always bigger than the part; and so it not only gives them their authority, but adds to their strength as well.

5. *Delegate.* To hand over, or depute to another.

8. *Preliminary.* Introductory.

IV.—LOCAL GOVERNMENT

CHAPTER XII

THE INSTITUTIONS OF LOCAL SELF-GOVERNMENT (1)

1. We must now try to get some idea of the various institutions by means of which the work of local government is carried on; and although they cannot be treated of in detail, it is possible, at any rate, to gain a general notion of what they are like, how they are constituted, and how they perform their numerous duties.

2. There are two points which apply to all of them, wherever they may be found, or whatever their functions may be. These points have both already been mentioned; but they are so important that it is better to repeat than to overlook them. First of all, then, every institution of local self-government is a *representative* institution, *i.e.* its members are chosen in accordance with the wishes of the majority of the inhabitants of the district; and secondly, the powers exercised by each of these representative institutions have been *delegated* to them by the central government. They are, in consequence, all subordinate to

the central government; and by that same body, if need be, their powers can be taken away.

3. Now there are a great many words which we are in the habit of using in our daily life, with the meaning of which we are not *accurately* acquainted. We have an idea of what these words mean, and we use them in such a manner as to convey some idea to those with whom we are speaking; but if we were asked ourselves to really explain them, we should often be quite puzzled how to do so.

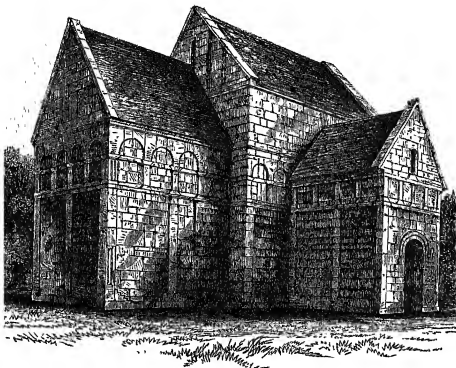
4. Chief among such words are these four—*parish*, *vestry*, *shire*, and *county*. It is probable that every one who reads this book has spoken often of the parish in which he lives, and of the shire or county in which that parish may happen to be. But of the full import of the names he probably knows nothing at all.

5. Yet it is quite impossible to understand anything about local government unless we take the trouble to learn their significance, and to do this, we shall have to think of the matters we have read in our history books, and to carry back our thoughts to Anglo-Saxon times.

6. Perhaps then we shall remember how our forefathers came from the land on the other side of the German Ocean, and settled in this country. As they made their settlements, they protected each of them, with its little cluster of homesteads and cottages, by causing a thick and high hedge to grow all around it, and the space inside the hedge they called by the name of *tun*.

7. Each of these numerous tuns claimed to have a certain area of land belonging to it; and to such an area has been given the name of Township. When

our Anglo-Saxon forefathers were converted to Christianity, in the course of the seventh century, a church was built in each tun, and a priest was appointed to



SAXON CHURCH AT BRADFORD-ON-AVON

look after the spiritual needs of all those people who belonged to the township.

8. But before very long, the persons who were officially connected with the church got into the habit of applying to the township a name of their own. They usually spoke of it as the *parish*, a term coming from the Greek word *paroikia*, which means a dwelling-place. In the eyes of the ecclesiastics, the only importance that the township possessed lay in the fact of a

priest performing his work and having his dwelling there.

9. After the Norman Conquest a system was introduced by which the whole of the land was put into the hands of the king himself. England was then divided into a great number of estates, which were known by the name of *manors*, and while many of these manors remained as the property of the Crown, others of them were handed over by the king to such great barons as he wished to reward. In a very short space of time, these new manors took the place of the older townships. The lords to whom the manors had been granted were then allowed the privilege of administering the law in courts of their own.

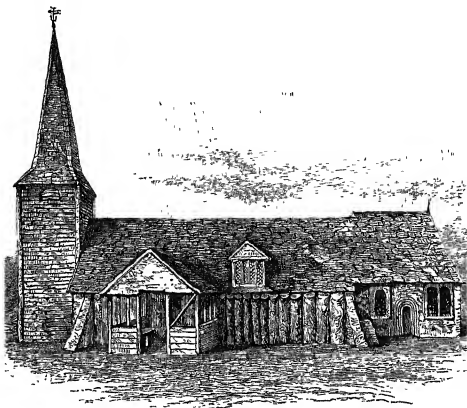
10. But the parish priest and his superiors strongly objected to the affairs of the church being discussed in these new courts. So the priest was forced to make use of some place over which the lord of the manor could exercise no control. This place he found in the *vestry*, or robing-room; for as this robing-room was attached to the church, and so formed part of the sacred building, no lord, however powerful, could venture to disturb him there.

CHAPTER XIII

THE INSTITUTIONS OF LOCAL SELF-GOVERNMENT (2)

1. After a time, however, even the new state of things had its day; and when, at the end of the Middle Ages (*i.e.* about the close of the fifteenth

century) the system under which it had existed became extinct, the amount of local government carried on by the manorial courts gradually diminished as well. The vestry remained, dealing always with church affairs, and acquiring for itself a few of the powers which had



SAXON CHURCH AT GREENSTEAD, ESSEX, AS IT APPEARED IN 1748

belonged to the now rapidly dwindling courts of the manors.

2. But such acquisition was merely one of convenience and of sentiment. The vestry had no legal right to deal with secular matters, until, at the middle of the sixteenth century, a certain social question assumed gigantic proportions, and the efforts

of Elizabeth's statesmen to cope with its difficulties gave the vestry a new authority and a fresh lease of life.

3. This question was the great one of the relief of the poor; a matter of which we shall have to read further in a subsequent chapter (see p. 203). Here it is enough to say that the Poor Law of 1601 not only recognised how valuable local machinery would be for dealing with the question of relief, but admitted that all local machinery except the vestry had become a thing of the past.

4. Hence the new official, the *overseer*, who was specially charged with carrying out the new Poor Law Act, was chosen in the vestry; and the money that he required for his work was levied by the vestry upon the householders of each parish. Little by little the powers of the vestry extended in many directions. The care of highways and of bridges came into its hands, together with the control of the police and the administration of education.

5. Once more a reaction has set in, and the tendency is now to divide ecclesiastical matters from secular. The Local Government Act of 1894 illustrates this tendency very clearly. The vestry is shorn of nearly all its powers, even of many of its purely ecclesiastical ones. This result has been brought about by many causes—indirectly, by the growth of population since the eighteenth century, and the consequent need for a new arrangement of areas; directly, by legislation based upon this altered condition of affairs.

6. There were two other divisions employed in Anglo-Saxon times. One of these was that of the

Hundred. Its origin is obscure; but there was in existence a Hundred Court, at which the landowners of the district and their stewards were entitled to be present. If, however, they were unable to appear, they were probably represented by certain of the freemen. A step higher in the scale came the *Shire*, the division or *share* of the land which had been occupied by the people of one tribe, in much the same way as the smaller *tun* was originally the settlement of the people of one family. This, too, had its assembly or court, the *Shire Moot*, a general assembly of the whole shire.

7. The shire moot was a very famous and important court. It exercised a great jurisdiction, both civil and criminal. It was presided over by three people: the *Shire Reeve*, or sheriff, who represented the king; the *Bishop*, who represented the Church; and the *Ealderman*, who represented the people. But with the shire moot, representation stopped short in Anglo-Saxon days; and saving for the presence of the sheriff, there was no control over it on the part of the king.

8. Now let us see what is done in England at the present day. We have for the parishes a *Parish Meeting* and a *Parish Council*; then a *District Council*, occupying the position of the hundred court; and at the head of the list we have the *County Council*, which in many respects resembles the famous shire moot. But although our arrangement of the machinery for local government at the end of the nineteenth century follows somewhat the lines of the machinery of earlier times, there is yet one very important difference between the two.

9. This difference arises from the fact that in

Anglo-Saxon days there was no strong central government, while in our own times the High Court of Parliament exercises the supreme control in the land. Hence it was necessary for the old shire moot to undertake the duties of a court of law, and to pronounce sentence of punishment against the breakers of law. But such a work, in these days, lies entirely beyond the powers of a county council, for it is part of the duty of the central government.

10. More than this, the weakness of the Anglo-Saxon system was constantly making itself felt by reason of the absence of any strong central authority which could keep the local bodies in check. But now all such bodies have to look for their existence and their authority to the High Court of Parliament itself.

1. *Dwindling.* Diminishing in importance.
6. *The Shire.* After the Conquest, each shire was put in charge of a great noble, known as a Count; from whose title came the word *County*, which is the equivalent of shire.
7. *Jurisdiction, both civil and criminal* "There are certain breaches of the law which are taken in hand directly by the State, whether or no they appear to result mainly in damage to individuals. These breaches of the law are called *crimes*. Other offences are left to be remedied upon the application of the injured party; these we call *Civil Wrongs*."—Jenks, *Local Government*.

CHAPTER XIV

TOWN COUNCILS; POOR LAW UNIONS; AND SCHOOL DISTRICTS

1. The term Town Council is one that is familiar to many of us, at any rate to those who dwell in one of the towns of England; but we ought to be careful to distinguish between these bodies and the various other councils of which we were speaking in the last chapter.

2. To understand exactly their position and history, we have to go back in our thoughts once again to Anglo-Saxon times, and to trace the manner in which the towns began slowly to grow up in Anglo-Saxon England. This was a very gradual process, for our forefathers loved the open country rather than the closeness of the streets; and it was not, in fact, until the trading instinct began to develop among them that they attached very much importance to the change that the towns were bringing into their lives.

3. But when once a town was fairly started, whether it was one that rose round the shrine of a popular saint, or one that nestled under the protecting walls of a great castle or a famous monastery; whether it sprang up at the crossing of two main roads, or came about from the nearness of two or three villages; in all of them, whatever their particular origin, the same tendency sooner or later showed itself at work; and this tendency was to take the management of its affairs into its own hands, and to pay a fixed sum of

money to the king rather than to be liable to taxation in the local courts.

4. The reason for this tendency is to be found in the idea of inferiority, which always seems to have attached itself to the dwellers in towns. Perhaps this idea was very largely due to the fact that the burgesses engaged themselves in commercial pursuits; a course of life regarded with contempt by those who spent their lives in the open air

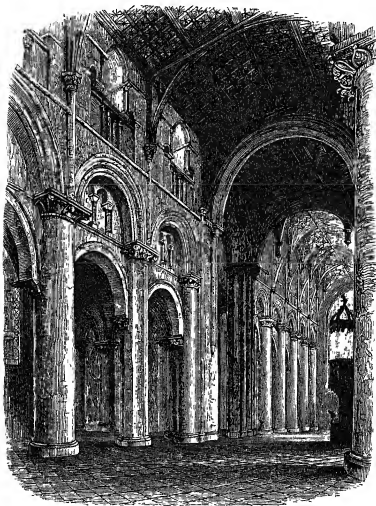
5. But be this as it may be, the idea was one which bore very practical fruit; for it was always held by the lord of the land on which the town was situated (or by the king, in the absence of such a lord), that the towns were peculiarly liable to taxation; and that this taxation was practically without a limit.

6. Long after the taxation of the ordinary free-man had been more or less limited by *Magna Carta* (see p. 94), the burgesses remained subject to indefinite exaction; and though they struggled hard against the demands it made upon them, and devised an ingenious method of freeing themselves from it, the payment of *Tallage*, as it was called, was not declared illegal until the end of the fourteenth century.

7. The method by which the burgesses sought relief was one bringing benefits to both sides. They agreed to pay to the king, or to the lord, as the case might be, a fixed annual sum; by means of which he was put into possession of a certain income; and they, on their part, obtained from the lord a *charter*, or parchment scroll, in which the payment of this fixed sum was acknowledged, freedom from all other claims was secured, and certain special privileges

(varying in each town) were permitted for their use.

8. Still even when the towns had so far developed



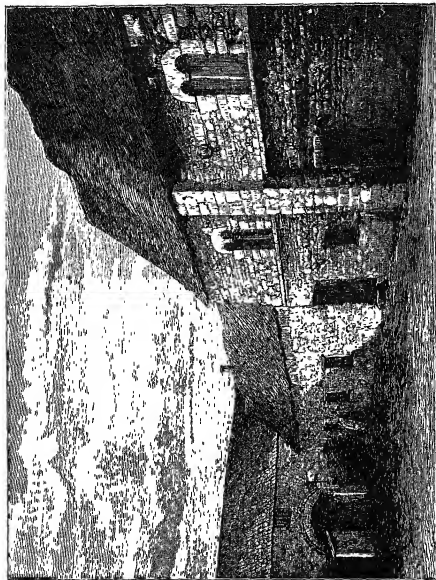
S. FRIDESWIDE'S PRIORY CHURCH (NOW THE CATHEDRAL), OXFORD

as to have got themselves entirely exempt from arbitrary payments, and even when their members had won for themselves a definite position in Parliament,

there yet remained a great drawback to their prosperity in the fact that they were not properly organised. There was as yet "no definite body capable of acting as trustees of the town's privileges."

9. Little by little, however, a different state of things came about. If no one definite body existed, there were yet germs out of which an organism might grow. Where the borough had developed from one township, there was perhaps the old townshipmoot left. Where it sprang from a group of townships, it seems to have followed the lines of the old hundred; and to have developed a representative body of the elder landowners. But when the trading capacity had been strongly developed, there was probably in existence a merchants' *Gild*. So, from one cause or another, the corporations, or governing bodies of the towns, all proceeded to develop upon much the same lines. There came to be a chief magistrate or mayor, and aldermen, and town councillors; and into the hands of the close bodies thus formed all the municipal authority came to be vested, while virtually the sole right of choosing the representatives for Parliament belonged to them as well.

10. To all intents and purposes, this state of affairs lasted until 1835, when the *Municipal Corporations Act* was passed by Parliament, by which certain great changes were introduced. It was ordained that the town councillors must themselves all be householders and ratepayers in the borough, and must be chosen by free election from the inhabitants of the borough. The councillors, being so elected, were to nominate their aldermen from among themselves, and these aldermen were to hold office for six years. The town



HALL OF ST. MARY'S GUILD, LINCOLN

councillors were also to elect their own mayor, and he had to be chosen annually.

11. By this means a representative body was secured for the towns; and the parliamentary franchise being at the same time exercised by the people generally, the disadvantages of the old close system were done away. The Town Councils, as a rule, have governed their towns wisely and well, and form an important part of the general scheme of local government.

12. There are two other divisions of local government matters which require our attention. One of these has to do with the beginnings of the citizen's life; the other, more or less, with its end. In *School Districts*, the various *School Boards* appointed by popular election deal with a considerable proportion of the matters relating to elementary education; and in *Poor Law Unions* the ratepayers elect every April a *Board of Guardians* who administer to the needs of the poor and the aged.

13. Of the work of Boards of Guardians we shall have to speak later on (see p. 69); but in the case of both them and of the School Boards, although their detailed arrangements have only been in force for a comparatively small number of years, the principles upon which they are based have been in vogue for nearly fifteen centuries.

14. The whole of England and Wales is mapped out into school districts, and these districts are of two kinds. One kind provides a means of elementary education for those children who otherwise would be without it; the second sees that the children make proper use of the opportunities for elementary education which are already in existence.

15. In the first case, a public body known as a *School Board* is established, the members of which are chosen every three years by election among the rate-payers of the district. As the reason for the existence of a School Board is to supplement work already done, and if necessary, to extend that work, it has power to hire premises that are suitable for schools, or to build entirely new schools. The money that it requires for its various duties has to be paid by the ratepayers, in whose hands rests the election of those persons who go to make up the Board.

16. Districts of the second kind are those in which School Boards are unnecessary by reason of the already adequate supply of buildings wanted for elementary education. There is consequently, in such districts, only a *School Attendance Committee*, which sees that the requirements of the Elementary Education Act are duly carried out. But in all matters connected with elementary education the one principle is adhered to—that the management of local affairs should be put into the hands of a body elected by the inhabitants of each district; and that these bodies should only exercise an authority delegated to them by the High Court of Parliament.

3. *The various origins of towns.* See Appendix.

8. *Exempt.* Free from.

9. *Close bodies.* Bodies of men who gain their position in some peculiar way, and not by free popular election.

CHAPTER XV

RATING AND EXPENDITURE

1. With the gradation of various councils, then, and with school districts and poor law unions, we have a very complete system of local government arranged. But, however good a system may be, it exists for no purpose if it is prevented from doing its work for want of the necessary money to pay its way. How do the various bodies connected with local government get the money, and what do they do with it when they have obtained it?

2. You are probably all familiar with the men who, at certain intervals, come round from house to house, having in their hands little books, small so far as the size of the page is concerned, but very fat and thick by reason of the number of the leaves. You have, no doubt, heard these men demand money from your parents; and if they get paid, they tear out a leaf from the thick little book, and you can see that it is a form of receipt, which they fill up and sign as soon as the money has been handed to them. If they do not get the money when they call, they go away and come again some days later. Supposing that they are not paid then, and that there is much further delay in the matter, a summons comes from the nearest police court; and your parents, sooner or later, are compelled to pay up the money that has been demanded of them.

3. The man who comes round with the thick little

book is the *Rate Collector*; and by reason of his functions, he is not usually a very popular person. But if people want to be governed in a settled and orderly manner, they must expect to do something in return for it; and the only way in which a complex community can do anything in return, is for its members to hand over some portion of their daily labour in the shape of a quota of the money that they earn.

4. What, then, are these rates; and how is it that the payment of them can be so enforced? The rates are the monies that the various local government bodies require to meet the expenses of the work that they have to execute; and the payment of the rates can be enforced in a police court, because local bodies are exercising an authority delegated to them by the High Court of Parliament, and can, therefore, make use of Government machinery to support their claim (see p. 39).

5. It would not be desirable for the central government to hand over a sum of money every year to the local governments and tell them to defray their expenses out of it; because, as we shall see when we come to deal with the question of taxes (p. 176), the central government collects money from the nation *as a whole*. But the local governments deal with purely local matters; and it is only the inhabitants of each particular district who ought to pay for requirements of that district.

6. Suppose the inhabitants of the town of A want a new board school, as this is not a matter of importance to the towns of B, C, D, or E, it would be unfair to make them contribute to it. But if money

were levied by the central government from the whole country, they *would* be put into the position of paying at any rate some portion of it.

7. And as the authority of the local government bodies is only a delegated one, they cannot exercise any authority over those people who are not in their

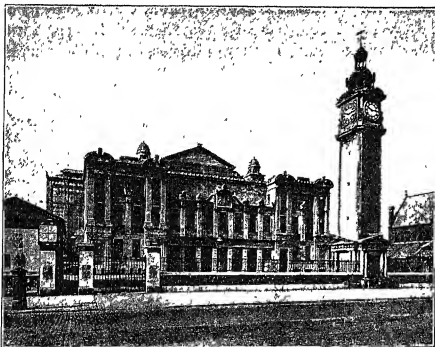


Photo. Valentini & Son, Dundee.

A PUBLIC LIBRARY

district. The County Council of Lancashire, for example, has no influence in Devon; nor has the County Council of Devon any influence in Lancashire. Remember, then, that the term Rates is applied to the money levied by a local government body from the inhabitants of its particular district; and that it can only be spent upon the requirements of that district.

8. The way in which it is assessed is generally

upon the rents paid for each house in the district. The local bodies have a long list of the houses, with the annual rent of each marked against it. Supposing that in one district the rents amounted in value to £70,000 a year. If the local body wanted a sum of £1500 to open a Free Library, or to lay out a park, or to build some baths, they would *levy a rate of 6d. in the pound*; which means that a man living in a house for which he paid £20 rent, would have to hand ten shillings (twenty sixpences) to the rate collector; while a man who paid £100 a year rent would give £2:10s. (100 sixpences). By the time these sixpences had been collected on the whole of the £70,000, the local body would have received the sum of £1750.

9. On this principle, all the rates in the country are collected. In some districts, where the local bodies are extravagant, they are very much higher than others; so much so, in fact, as to make a serious demand upon the wages or incomes of people in poor or moderate circumstances. The ratepayers have, of course, an indirect check upon matters of local expenditure, because the members of the various local bodies are all popularly elected; and so can be dismissed from their posts at the end of their term of office if their conduct has put the ratepayers to heavy or unnecessary expense. And this control over the local bodies is one of the most important functions that the ordinary citizen has to exercise.

10. But, as a rule, money spent in rates is money well laid out; because by such expenditure as local bodies have to incur, a great deal of very useful work for the community is accomplished. We all benefit, directly or indirectly, by being members of a well-

ordered and regulated body; and even if we have to pay, in the majority of cases we reap an immediate benefit ourselves.

- 3. *Complex.* Made up of many different elements.
Quota. An allotted share or portion.

CHAPTER XVI

HEALTH

1. Now let us see if we can get a clear idea of what it is that these bodies connected with the various forms of local government have to do. Clearly their best work will be to concern themselves with what we may call the details of the citizens' lives. The broad principles by which citizens are able to live together in a community are things belonging to the care of the central government; and so it is the central government that makes and enforces laws against theft, or murder, or other forms of wrong-doing that would interfere with the safety of the community.

2. But the central government, as we have seen, cannot possibly see to every small point in the lives of all individuals; and so does well to *delegate* certain portions of its power to the various local bodies, and entrust some portion of the administration of the law into their hands. The administrations that may be most conveniently handed over to them are those which we have just spoken of as affecting the details of the citizens' lives; and which touch their bodily welfare so

far as the observance of laws of health are concerned, and their mental welfare so far as the first steps towards education are concerned.

3. Therefore, we find that town and county councils take cognisance of the things connected with sanitary condition of houses, and insist upon people keeping their tenements in cleanliness and in proper order. They do what they can, as well, to help individual effort by looking after the drainage of each district; and by building public baths, and wash-houses for the use of those who have not bath-rooms in their own dwellings, and who, consequently, are only too apt to neglect the simple rules of personal cleanliness.

4. They see, too, sometimes, that the supply of gas to each house is sufficient and is managed safely, though this matter is one which often rests in the hands of private gas companies. And in the same way they look after the proper supplying of water. They are expected, too, to make sure that the water so supplied shall be pure, a result that can only be brought about when the rivers from whence the water is drawn are kept free from pollution, and when manufacturers are not allowed to discharge the refuse of their works into them.

5. Very often, too, the local government bodies attend to the affairs of hospitals, and so secure that there shall always be a supply of medical and surgical aid for those who are sick and afflicted; and this is especially the case in such hospitals as are built for the reception of those suffering from the violently infectious diseases which break out into great epidemics, like smallpox, or cholera; and threaten the community with much greater danger than do cases of ordinary illness.

6. Some county councils, too, have recently instituted a system by which trained nurses are stationed in different villages, to give help to persons who are far removed from a town, and who would be likely to suffer from the want of trained advice. But to secure the benefit of all these things, a large additional staff is required; because there are unfortunately many thousands of people who are too ignorant or too negligent even to avail themselves of the helps towards healthy living that are provided for them. The culpability of such people is of course very great; not so much for the harm they do themselves as for the great chance of their causing harm to others. The various bodies concerned with local government, therefore, have to provide an army of persons, called sanitary and medical officers, whose duty it is to see that the regulations made with regard to health are duly observed and carried out.

5. *Epidemic*. A disease that spreads rapidly. Greek, *epi*, among; *demos*, the people.

CHAPTER XVII

EDUCATION

1. It is but little good for the citizens of a country to have their bodies well cared for, unless their minds are trained and cultivated as well. Hence a very important part of the work of local authorities consists in looking after the interests of education; and of doing what they can to put opportunities for learning something within the reach of every citizen.

2. But education is above all things a matter that depends upon individual effort as well as upon individual capacity ; and the State, acting through the local bodies, cannot possibly do more than give chances to its citizens to acquire knowledge. It insists, of course, upon these chances being made use of ; but whether the knowledge, when acquired, will be properly used, or whether it can ever be acquired at all, are matters depending entirely upon each citizen himself.

3. Because the mere fact of steady attendance at school during childhood, and the regular use of other public educational advantages in after life, will not necessarily make a citizen an educated man. He may never advance farther than the stage of being a well-informed man. So we should always remember that the utmost the State can do is to give opportunities to its citizens, but that it rests entirely with the citizens themselves as to whether such opportunities will be turned to proper account

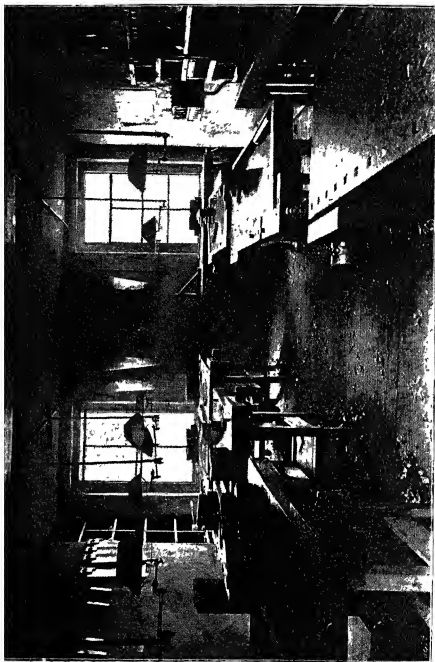
4. All that the State can do, however, has been done ; and the task of making proper use of their opportunities now rests with the citizens themselves. There is in existence an elaborate system of elementary schools, some of which are supported by the Church or by other religious denominations, and some of which are worked by school boards elected by the inhabitants of the district. But the scheme of education in all of them is the same, and they are all thrown open free of charge.

5. By means of these schools the first beginnings of knowledge are taught, and the key to the acquisition of further knowledge is put into the children's

hands. A step somewhat in advance is taken by the higher grade board schools, which attempt the work belonging to the beginnings of secondary education. These schools are now supplemented by a number of Continuation Schools, in which pupils can continue to learn after they have passed through the elementary schools, and have begun to work for their living in the great world outside.

6. But the most important and practical work of all has lately been set on foot by the system of Technical Schools and Classes, at which instruction may be obtained upon matters actually dealing with the vocations of life. It is obviously more important and more useful, that children who will spend their days in practical work should be systematically trained in the things that belong to such work, than that an attempt should be made to give them all scholarship. The latter task would be quite beyond the functions or powers of either the elementary or the higher grade board schools. Their work is limited, not only in intent but also in capacity, to putting the key to knowledge in the children's hands, and to showing them how and when, if they wish to continue their reading after they have left school, they may be able to do so. Opportunity is likewise given for the carrying out of such a desire, if it exists, by the institution of Public Libraries, which are now to be found in most populous districts, and in which, generally speaking, a fair library is to be found.

7. It is, however, a matter for considerable regret that the statistics of nearly all the public libraries show that by far the greater number of books taken out from them are works of fiction; which proves



A TECHNICAL SCHOOL

that the libraries are looked upon by the mass of citizens rather as a convenient source of amusement than as a real means of education.

8. Remembering, however, that in the elementary and higher grade schools the key to knowledge is put into the pupils' hands, inasmuch as they are taught to read and write and cipher, and are made acquainted with the outlines of history and geography and the simple facts of elementary science, with perhaps the first steps towards the three most important languages of Latin, French, and German, it is very easy to see that the public libraries, if properly used, and the public Picture Galleries and Museums can be made to yield very great assistance towards the acquiring of a real education.

9. There are many people who overlook the value and need of Picture Galleries and Museums. Such people do not understand that a capacity for appreciating beautiful things is one of the most valuable and important possessions of life. They do not comprehend that a man who has developed such a liking is in an infinitely better position than the one who has never understood what it is to have it. They are rather apt to look upon beautiful things as being only pleasures and even luxuries; and do not comprehend that they are absolute necessities towards leading a really reasonable existence.

10. Some persons from their childhood are gifted by Nature with a capacity for liking and understanding beautiful things. Now they can be more or less left to Nature and to themselves, because they will always be eager to seek out, and, if possible, to surround themselves with the things that afford them so much

pleasure. But, in the vast majority of cases, people are born, not with this capacity developed, but with it latent in them; and then, unless it is called forth, and properly developed, it will remain latent all their lives, or else, from disuse, it will actually die away.

11. It is to guard against such a disastrous result—disastrous always to the individual; and, if of

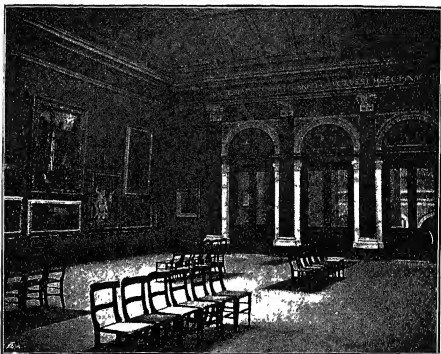


Photo H. T. Ross, Tottenham Court Road

INTERIOR OF NATIONAL GALLERY

frequent occurrence, disastrous also to the community—that Picture Galleries and Museums have their great claim upon our sympathy and support. Even the most imperfectly educated man is made to feel, if by chance he visits them, that, though he may not appreciate them, there are yet things in the world belonging to conditions of life with which he is not

acquainted. Then he comes to learn the invaluable lesson that the small store of information he may happen to possess does not comprehend the whole sum of human knowledge; and when once he has learnt this lesson, he has made greater strides towards his education than perhaps he dreams of.

6. *Technical.* From the Greek word *technē*, an art.

10 *Latent.* Lying hidden.

CHAPTER XVIII

THE DESTITUTE POOR; ROADS, BUILDINGS, AND LAND

1. It was said just now (see p. 55), with regard to the boards of guardians, that their chief duty consisted in administering to the wants of the aged and deserving poor. To effect this work, there is in each poor-law union a large staff of persons, some of whom are known as relieving officers, and some as medical officers. It is the function of the former to investigate the various cases that call for relief; and upon their report the medical officers are bound to act.

2. Medicines are supplied by the medical officers; and things useful or suitable for sickness, such as milk or beef-tea, are provided on their authority by the relieving officer. The boards of guardians exercise a general supervision over the whole system. But boards of guardians have also to control other matters which are neither so provocative of pity nor so deserving of respect as those relating to the sick and the old. In every large community there has always

existed a considerable proportion of idle and worthless persons, who refuse to work, and prefer instead to lead a wretched life, dependent upon the charity or good nature of others.

3. Such persons, if they do not form an actual danger, become, at any rate, a definite trouble to the state. There are in England, it is estimated, no less than fifty thousand persons who are habitual beggars, and who will exist upon anything rather than the fruit of their own labour. The presence in our midst of such an army of worthless poor makes it often a very difficult task to distinguish those who are the deserving poor. There are many hundreds of rich and charitable people who are ready and eager to assist their fellow-creatures in distress, but who are deterred or disheartened by the impositions they so often find being practised upon them.

4. *The Boards of Guardians* each take charge of a certain district known as a Poor Law Union, and in every Union is a workhouse, which is now used as a dwelling-place for the destitute of both sexes and of all ages. The idea first attaching to workhouses was that they were places in which able-bodied paupers might be put to the work which they either could not obtain, or were unwilling to perform, outside. But this arrangement has not been found altogether practicable. The principal work of boards of guardians has come to be the granting of out-door relief, a form of assistance which legislation in England has endeavoured to prohibit, but which, in actual working, has crept in steadily and increasingly.

5. The whole question of the duty of the State towards its poor is one of the most difficult matters

with which statesmen have to deal. That in a wealthy country many thousands of people should daily be in want of the common necessities is indeed a terrible thing; and when such misery has been brought about by no individual fault of the sufferers, it is clearly the duty of the State to help to alleviate distress. But on the other hand, to make such alleviation easy and always procurable is, unfortunately, in many other cases, only to put a premium on indolence and vice, to discourage thrift, and to destroy any possibility of arriving at a true citizenship. The best practical contribution that we can each make towards the solution of the problem is to take the utmost care that we never have to come upon the state for aid ourselves.

6. Without going too much into detail, it can here be noted that the various district and county councils take over the management of such things as roads and highways, and provide for the acquisition of land suitable for allotments and small holdings. There is no sharp line of division between these last two; but, roughly speaking, an allotment may be described as a plot of land which a man can cultivate during his leisure moments, or when his day's work is done; while a small holding is sufficient to yield support for himself and his family.

7. Town councils, on the other hand, are responsible for the maintenance of museums, picture galleries, and municipal buildings; the last consisting of large blocks of offices and public halls in which much of the work of the various local government bodies is carried on. These buildings, too, include the town hall, often a chamber of vast proportions, in which it is customary

to hold important political meetings. In this way the famous town halls of the kingdom have frequently played an influential part in the education of the citizens.

8. But there is another humanising and valuable influence which they can exert. They are usually fitted up with a large organ, and so offer great facilities for the spreading of the taste for really good music. It is, in fact, much to be regretted that municipal efforts are not still more turned towards the developing of a love for real music in the people—a matter in which the English, as a whole, are sadly behindhand.

9. As largely connected with these matters immediately dealing with health, the local government bodies also look after other things which tend towards health, and provide for the streets being properly paved and well lighted at night; and for public parks and gardens being laid out, whenever practicable, in the neighbourhood of crowded districts. These are matters of very great utility and importance, for streets well drained and well paved do a great deal towards keeping a town healthy, and so make it possible for the inhabitants to spend their lives there with greater comfort and safety. The fact, too, of their being well lighted at night is invaluable in preventing the commission of crimes of robbery or violence; and so the whole community is made more law-abiding and orderly.

10. The use of public parks in towns, for an over-populated country like our own, cannot of course be estimated too highly. It is miserable to think of the hundreds of thousands of poor creatures whose



FIG. 1. T. Road, Tottenham Court Road.

WORKHOUSE INTERIOR.

days are all spent one after the other in the dreary streets. To such people, as they pour out from the courts and alleys in which they live, the great popular parks now studding London and most of the large provincial towns often come as a revelation of the



Photo. H. T. Reid, Tottenham Court Road

PUBLIC PARKS—REGENT'S PARK

beautiful things that exist in the world. More than that, the parks and public gardens frequently serve to remind those even in more fortunate circumstances that there is another kind of existence beyond the groove into which they may have happened to fall. Those who live in the country, or in a country town small enough to be within easy reach of the country, have but little idea of the boon and blessing that parks

and gardens are to the weary dwellers of the big towns.

5. *Alleviate*, Make easier to bear.
To put a premium on. To encourage.

CHAPTER XIX

POLICE AND JUSTICE

1. It might appear, at first sight, as if a very great gap existed between the central government and the local bodies, which the system of delegated power would only serve to emphasise. This, however, is not exactly the case, for an arrangement is made by which certain officials hold an intermediate position between the two; being concerned, in their work, with questions of local interest, yet deriving the authority entirely from the central government. In this way they form a series of connecting links by means of which the central government and the local bodies are held together.

2. The most important of these connecting links are the stipendiary magistrates. Their salaries are paid out of the rates raised by the various local bodies; but they are appointed to their posts by the central government. They are concerned with the settlement of questions of purely local interest; and they undertake the preliminary hearing of matters of national interest, which are finally decided by the law courts of the central government. But the existence of the stipendiary magistrates is another proof, if proof were

wanted, of the dependence of all local bodies upon the central authority.

3. In much the same way, the police force throughout the united kingdom exemplifies the relationship between the central government and the local bodies. The chief commissioner of the Metropolitan police is directly appointed by the central government. The police in provincial towns act under the orders of the town council of each town, but subject to the supervision of the central government. Their expenses, moreover, are not met entirely by the local rates, but are aided by a grant from the taxes of the whole country.

4. The work of the police is very varied; and, as a rule, is excellently performed. Their principal duty may be described as the task of keeping public order; but they have many other functions as well. They not only patrol the streets in certain beats at certain hours, but some of them are always stationed at fixed points in busy thoroughfares, where they direct the traffic, and assist foot passengers to cross the road. At night it is part of their work to examine all empty houses, lest disreputable or disorderly characters may be hiding there, or may be attempting to use such houses as a base for burglaries. The police, too, carefully see that the inhabited houses are properly locked and the windows fastened. Many people are so grossly careless that it is necessary for them to be looked after in some such manner.

5. The policeman, in fact, is the official to whom the private citizen can instantly appeal in any of the difficulties or troubles of ordinary life. The idle, the drunken, and the dishonest, of course hate the police,

but their hatred is tempered by a wholesome fear. For the policeman is the most obvious and familiar sign to the ordinary man of the power and authority of the central government. He is the instrument by

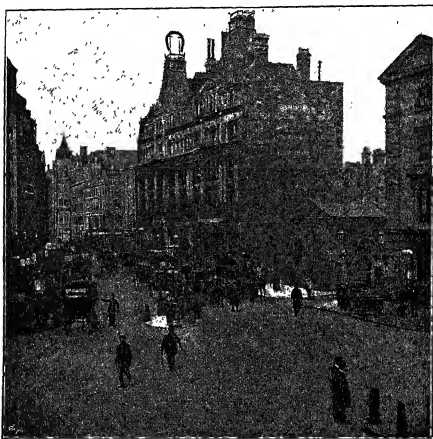


Photo H. T. Dood, Tottenham Court Road.

POLICE DIRECTING TRAFFIC

means of which the vast majority of people are rendered subject to the regulations of the law.

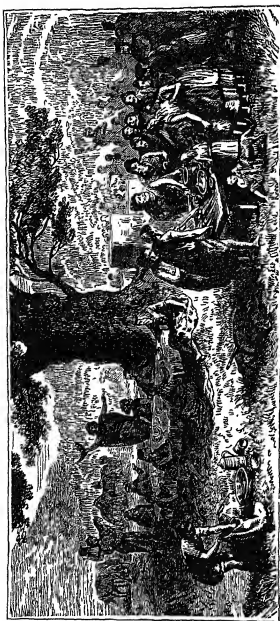
6. It is by no means uncommon for the worthless scoundrels who infest the streets to attempt to exasperate the police while in the execution of their duty. The jeers and rude witticisms to which such

people give utterance are entirely foolish; for the policeman does not perform his work in the capacity of an ordinary man, but in his capacity as the instrument or representative of the central power. When a constable tells a drunken ruffian to move on, and to desist from disturbing a whole street, it is not the constable individually who gives these orders, but the central government speaking through the constable as a mouthpiece.

7. There will never be a time when a community will be free from all undesirable characters; and consequently there will never cease to be a need for the protection of those who are quiet and peaceable. It speaks well, however, for the generally law-abiding character of the English people, and for the strength and capacity of our central government, that with us the preservation of public peace is adequately accomplished by a civilian force; and that, whereas in the two great republics of the world, France and the United States, the men who undertake police duties are respectively armed with sabres and revolvers, in England we find it sufficient to give our men an oaken truncheon and a whistle.

8. The work of the policeman and of the magistrates would, however, be reduced almost to a vanishing point were it not for one terrible vice from which the Anglo-Saxon race has never been free. This, the vice of drunkenness, is the cause of nine-tenths of the misery among the poorer classes. At the time of the Conquest, the Norman barons were horrified at the vast quantities of strong liquor which they found the Anglo-Saxons, both nobles and common people, were in the habit of swallowing. The Saxon feasts were coarse in the extreme; great masses of flesh being

washed down with huge draughts of mead or ale.



SAXON FEAST.

The Normans, whose tastes were far more refined,

turned away in disgust at these excesses; but as the bulk of the people were not affected by the mixture of Norman blood, this evil has remained in England until the present day.

9. The only hope is to attempt to make the rougher portion of the community a little more cognisant of the degradation in which they live; of the coarseness of their amusements and habits; and of the opportunity for better things which is being daily put within their reach.

1. *Emphasise.* Make more noticeable.
2. *Stipendiary.* One who is paid by a *stipend*, or salary.
6. *The policeman performs his work as the representative of the central power.* This feature in our national institutions is often commented on with admiration by citizens of other countries. The late ambassador of the United States, speaking at New York in October 1894, said—

“During a year and a half’s residence in England, and most of the time in the City of London, I have never seen a policeman with a bâton or a stick in his hand. I have not seen a blow struck by one. I have not heard violent language from one, and I have not seen an act of violence committed by one. It is not only a daily and hourly sight, but it is almost a constant sight in that vast sea of traffic that swarms through the streets of London like the waves of the sea upon the shore—it is a common sight, I say, to see, when the traffic is at its greatest, and when the vehicles are almost piled one upon another one, a quiet man, in the uniform of a police-officer, walk into the middle of the great crowd, turn his back upon the vehicles, and hold up his hand. He is the incarnation of the law, and the uplifted hand of that plain policeman is obeyed and respected, and until he lowers it the traffic does not attempt to continue. This is an everyday sight in any part of the crowded streets of London.

“What does that imply to me? A great deal. Not simply that that man was a trained man in the performance of his duty, and was doing it unhesitatingly, but that, there is a responsive chord in the hearts of the people that recognises him as the instrument of general law, and has taught them that there is only safety in obedience to the law honestly executed.”

CHAPTER XX

THE LOCAL GOVERNMENT BOARD

1. To bring to a conclusion what we have been saying about the system of local self-government, we had better attempt a summary of the chapters that have gone before. On thinking over the matters that have been dealt with, we shall realise what was meant by the saying of a few pages back, that local government looked after the *details* of the life of a citizen.

2. Not one of the innumerable matters dealt with by local bodies affect the conduct of the State as a whole; but they do affect, and often very minutely, the individual lives of the great majority of its citizens. That is to say, local government tries to meet the wants and to regulate the desires of the numberless units that go to make up the whole; and all the theory of local government depends upon the idea that by securing the welfare and happiness of the unit, it is possible, if they are all considered and cared for, to secure the welfare and happiness of the entire State. This process, no doubt, might be accomplished by the beneficent action of a central govern-

ment; but such action would of necessity tend to weaken the force of each individual character.

3. Such a proceeding is antagonistic to the national characteristics of many nations, but above all to those people who have Anglo-Saxon blood in their veins. We, therefore, are attempting now, in a huge and very complex community, to return to the systems that were in vogue in the days of a much smaller and more primitive community. So great, too, is the power of self-assertion and self-control in the Anglo-Saxon peoples, that on the whole our systems of local government have been attended with very considerable success. But it is recognised by our wise men that an entire absence of control on the part of the central authority would be disastrous to the best interests of the empire; and so the authority given to the local bodies is never anything more than delegated authority; and the connecting links between the central and the local bodies are kept firm and unimpaired.

4. We have referred already to the magistrates and to the police as representing the most familiar instances of such links. There is in existence, however, another body which possesses very great powers, and which is, in fact, the most influential of them all. This is the *Local Government Board*; and it obtains its great powers by reason of being a committee of the Privy Council; a statement which you will not be able to fully understand until you come to read something about the Privy Council itself.

5. It is enough to say here that the Privy Council is a body which, in olden times, before Parliament was thoroughly established, and during the first few centuries of Parliament's life, possessed paramount

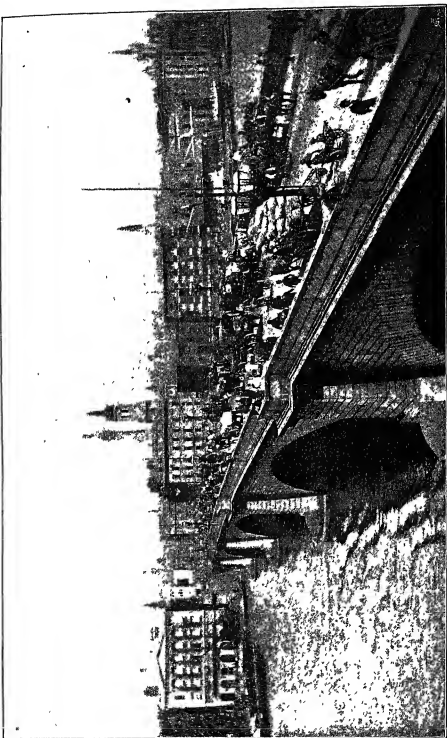


Photo Fifth & Co. Engage

TRAFFIC CROSSING LONDON BRIDGE

legislative importance, and was, in fact, the real central authority in the State. In our own days it performs its work by means of *Committees*, one of them being the *Local Government Board*, which was established in 1871.

6. When we say that the Local Government Board has the final supervision of all matters relating to public health and of poor relief, you will see that this involves the control of nearly every matter dealt with by the local bodies, except the questions connected with elementary education. Here, then, we get the clearest proof of the authority always exercised by the central government over those bodies in the country which possess a delegated power. The *Committee of Education*, although it supports the same theory in many respects, does not afford so good an instance as the Local Government Board. The latter deals with local bodies which are entirely dependent for their existence upon popular election. The Committee of Education only partially does so. The School Boards, which are controlled by the Education Committee, are as much a portion of the local bodies as town councils or parish councils themselves; because they are called into being by the exercise of the popular vote. But the Committee on Education regulates the affairs of all the denominational schools in the country as well as of the board schools, and the former are free from the control of any local body whatever.

7. So the Local Government Board is the best instance to take of the final control that the central government has always to exercise in the long run. Such an exercise of authority does not in the least depreciate from the use and value of the work of local

bodies; but it supplies to them a weight and influence which they would otherwise want.

8. By the strong central control, however, being still reserved in England, we have arrived at a compromise which seems to preserve the merits of both systems, with as little as possible of the disadvantages of either. For the central government, which with us controls the local bodies, is not a despotism, but is truly representative itself. It is flexible enough to accommodate itself to the desires and wishes of the nation; while at the same time it is strong enough to exercise a wholesome authority over local bodies which are in a responsible position only during their few years of office. The freedom of local government is in no way interfered with; the stability of the central government is worthily maintained.

3. *Antagonistic to.* Strongly opposed to.

5. *Paramount.* All-important; supreme.

7. *Depreciate from.* Make less valuable.

Precarious. Uncertain.

V.—THE CENTRAL GOVERNMENT

A.—THE HIGH COURT OF PARLIAMENT

CHAPTER XXI

THE CROWN (1)

1. Although matters relating to local government are of great importance, those that belong to the central government are more so still, and we shall have to spend a good deal of time in discussing the various parts that go to make up the High Court of Parliament, and in trying to understand not only the constitution of these different parts, but also their relationship to one another.

2. We begin with the Crown, which offers to us the outward and visible sign of the sovereignty of Parliament by which we are ruled; and the first thing to bear in mind is, that it is quite impossible to understand anything about the present position of the Crown unless we take the trouble to make ourselves acquainted with its past.

3. A great deal of this, no doubt, we have read in our various history books, and in them, at any rate, we shall have been brought into contact with the

chief facts of political history. What we have to do now is to try to realise the meaning of those facts, and to see how they bear upon our system of government. We shall probably all remember the leading events of early English history, how when the Romans left Britain, about the year 411, the Britons soon fell into a miserable condition of quarrelling among themselves, and how at last, in a moment of despair, one of their kings took the unwise step of asking some German tribes to come over and help him against his foes.

4. We shall probably recollect as well how these Germans came, and moreover how they never went back, but settled instead in Britain, and then summoned more and more of their comrades from over the sea. Before long they seized upon nearly all the land of the Britons, and changed even the name of the country itself from Britain into England. But what we may not perhaps remember so well is the condition in which these Germans were when they came over, and took this country. How were they ruled themselves? Had they kings, or did they live in a virtually independent state?

5. They had *not* any kings of their own in their own country; and *the conquest of Britain was what made kingship possible among them*. They had been governed, if they were governed at all, in their own homes, by persons whom they chose from among themselves and who were called *Ealdormen*. These persons acted as magistrates; and were more or less their rulers in time of peace. But whenever any wars broke out, and wars were by no means infrequent, they chose other men to be their leaders, and these leaders were called

Heretogan, and seem to have exercised much greater power than ever was given to the ealdormen.

6. Now when the expeditions to Britain took place, they were headed, as a matter of course, by *Heretogan*. But these expeditions were quite different from anything the Germanic tribes had ever undertaken before. Hitherto, they had gone off on various wars, and had either conquered or had been conquered, and then they had returned to their settlements; and the work of the *Heretogan* was over when the campaign came to an end. But now, when they invaded Britain, things were changed. They came to fight; but they also came to stay.

7. The consequence was that, after fighting several battles, each tribe settled down in that part of Britain where it had made its invasion; and began to live there as it had been in the habit of living at home. Immediately, then, that the fighting was over, the settlers desired to have Ealdormen once again, to keep a general control over their affairs. And they naturally took, for their new Ealdormen, in their new homes, the *Heretogan* or generals who had so successfully led them thither. In the person of one man, therefore, for each tribe, there came to be combined the offices of the Ealdorman, or magistrate for times of peace, and the *Heretoga*, or leader for time of war; and the man who thus united the two offices was called by a new name, and that name was *king*.

8. Remember then that, by reason of his origin, the king is the man who is the head of the State at all times, whether in peace or in war; and remember also that our Anglo-Saxon forefathers had no kings originally; but that the idea of kingship was developed

among them in consequence of their invasion and settlement in Britain.

9. We need not go through all the details of Anglo-Saxon history. It is enough to say now that the invasion of Britain was not achieved all at once, but occupied about a hundred and fifty years, from the middle of the 5th century to the end of the 6th: and that then in England there were a number of Anglo-Saxon kings, and that when there were no more Britons left to fight, these kings began to fight among themselves, until three great divisions were made: first, the kingdom of Northumbria, which was powerful during the 7th century; then the kingdom of Mercia, or the Midlands, powerful during the 8th century; and finally, the kingdom of Wessex, or south and south-west England, which was powerful during the 9th century; and that this kingdom of Wessex finally absorbed all the kingdoms of England into itself.

10. Now when once the idea of kingship had taken root in England, which it did very soon indeed after the first invasions,—that is to say, during the latter part of the 5th century,—it never died out from England, and it has remained with us to this day. But the king of an Anglo-Saxon kingdom was different in many respects from the kings who reigned during the 11th, 12th, 13th, and 14th centuries; and was also different from kings as we understand them now. The most important point of difference perhaps is this, that the early Anglo-Saxon kings were leaders and magistrates of the people, and not much besides. The land did not belong to them, *and their office was not hereditary.*

11. This was very largely due to the fact that, in

Anglo-Saxon times, people paid much more attention to local government than to a strong central government. To such an extent, indeed, was this preference carried, that although the Anglo-Saxon kings gradually strengthened their position, in all probability the kingdom of England would have split again into a number of divisions had it not been for a certain very important event in English history. This event was the conquest of England by William the Norman; and, after the Conquest, a strong central government was established in the land

3. *Some German Tribes.* The Jutes, who settled in Kent; the Angles, who took the East Coast, and the Saxons, who took the South.
5. *Ealdormen, i.e. the Elder-men.* *Heretoga, i.e. the Army-leader.*
10. *The Kings who reigned during the 11th, 12th, 13th, and 14th centuries:—*
 The Normans, from 1066 to 1154.
 The Plantagenets, from 1154 to 1485. Henry the Second, Richard, and John are sometimes called the *Angevins* or House of Anjou.

CHAPTER XXII

THE CROWN (2)

1. William, the Duke of Normandy, was accustomed in his own home to a method of government quite unlike anything that existed in Anglo-Saxon England. He ruled his duchy upon the principles of the Feudal system, the name of which was derived from the Latin word *feodum*, which means an estate

granted by one man to another. In the countries where this system held good (and they were nearly all the countries of western Europe), the king was regarded as the absolute owner of the whole land; and he granted out estates, consisting of various portions of this land, to great noblemen and others, who, in return for receiving this land, promised to assist the king in time of war.

2. The noblemen themselves then did to the persons next below them in rank very much what the king had done to them; that is to say, they granted out again smaller portions of the estates they had received; and the persons who received these smaller portions took an oath of faithfulness to the great noblemen, and promised to help them in battle, just as the great noblemen had taken the same kind of oath, and promised a similar service to the king. So the Feudal system *was, in the main, a system of land tenure*; and the essential point was that by it the king was regarded as the owner of every piece of the country. In Anglo-Saxon England this view was not held, because at no time did the Anglo-Saxon king possess all the land.

3. The change that William the Conqueror introduced into England was really a very great one. When he had defeated Harold at the battle of Hastings, and when by putting down various insurrections he had made himself master of the whole country, then he took the entire land for himself. This put him not only into the position of being able to grant out huge estates to the Norman nobles who had helped him in the Conquest, but it made him the supreme person in the kingdom. He came to be looked upon as the

one individual from whom all justice flowed, by whom all law was settled and ordained; and to whom all obedience and respect were due.

4. The position that William occupied as King of England was vastly different from any position ever held even by the strongest of the Anglo-Saxon kings. If we want to employ the proper legal phrase that describes this change, we shall say that by William the Conqueror the royal *prerogative* was enormously increased. It is worth while paying some little heed to this word *prerogative*. By it is meant the *arbitrary power that is legally exercised by the Crown*; and we find here plenty of words and phrases to demand our attention.

5. Arbitrary power, in the first place, signifies power that can be exercised without any superior calling the person who exercises it to account. If a man, for instance, meets you in the road, knocks you down, and robs you, his power is not *arbitrary*, because when he is caught he is condemned and punished by the system of government under which we are ruled, and which is superior to any individual in the land. But if the king or the queen who happened to be on the throne desired to call Parliament together if it were not sitting, or to dismiss it if it were sitting, they could do so at once, and nobody in the country could interfere with them, because, so far as this matter is concerned, there is no superior body existing which could question their decision.

6. But this arbitrary power must be exercised *legally*, that is, it must be confined to those things that belong to the royal prerogative; and whereas in the days of William the Conqueror the royal prerogative

really consisted of anything that the Conqueror might like to do, it now is limited to a very great extent. This is because the whole course of English history for more than four centuries and a half (1215-1689) was concerned with the question of prerogative, and through all that long time a struggle was going on as to whether it should be exercised by one body or by two. The result of this struggle was to transfer it from the one body, the Crown alone, to the two bodies, the Crown helped by a central assembly.

7. But we must not suppose, because we read of a struggle and of a certain result gradually coming out of that struggle, that therefore it was a bad thing for the entire prerogative to have been at one time in the hands of the Crown. On the contrary, it was a very good thing; for it was the only way in the days of William the Conqueror and his successors by which a settled government could have been secured to the country. It happens some time or another in the history of every community that there is a period when it is far more essential to get a strong government, and a respect for law, than to trouble about the form which that government may happen to take.

8. William the Conqueror, then, and his successors ruled absolutely, the only check upon their power being the fact that the central assembly still exercised a voice in the succession; and each prince, as he came to the throne, found it in consequence advisable to get the interest of the central assembly on his side. The Angevin kings, Henry the Second and his sons, were even more absolute than the Normans. It was received as a maxim in the reign of Henry that "That which seems good to the king has the force of law";

and Henry the Second did perhaps better work than any English sovereign in settling and enforcing good central government throughout the country.

9. But the difficulty that we spoke of some time back arose very soon after Henry's death. His son John desired above all things to be absolute king

*Nullus liber homo capiatur, vel imprisonetur, aut dissaisiatur,
aut utlagetur, aut exulet, aut aliquo modo destruatur,
nec super eum ibimus, nec super eum mittemus, nisi per legale
iudicium parium suorum, vel per legem terre.*

CLAUSE FROM MAGNA CARTA

The clause runs as follows :

Nullus liber homo capiatur, vel imprisonetur, aut dissaisiatur, aut utlagetur, aut exulet, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terre.

(Translation)—No free man shall be taken or imprisoned, or disseised, or outlawed, or exiled, or anyways destroyed; nor will we go upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land.

In this clause is clearly contained the germ of Trial by Jury. (See p. 169.)

like Henry; but he was actuated only by his own selfish ideas, and had no wish or care for the good of his country. The consequence was that while all Henry's acts had been beneficial to England, all those of John were harmful. He virtually betrayed the country into the power of the Pope, and took away all liberty from the Church in England. He raised large sums of money from his subjects without con-

sulting the central assembly at all; and he rendered life and property unsafe through the whole land.

10. The result was that his barons rebelled against him and compelled him to sign the celebrated *Magna Carta*, which did not introduce anything new, but merely insisted that the wrong-doings which he had started should be discontinued. *Magna Carta* was then *the first great check upon the exercise of the prerogative by the Crown*; and it was directed not against a legal exercise of prerogative, but against unlawful additions to the prerogative.

11. This unsuccessful attempt on the part of John gave an opportunity to the central assembly to concentrate its own strength, and so put it in a position quite different from any it had yet occasioned. But the final settlement of the matter did not come about until the Revolution of 1689.

10. *Magna Carta*, or the Great Charter; of which the most important clauses were:—

1. That the Church of England should be free.
2. That taxes were not to be imposed except with the consent of the King's Council.
3. That no freeman was to be unjustly or illegally treated; or to be punished by the king, except by the lawful judgment of his equals.

CHAPTER XXIII

THE CROWN (3)

1 The details of the events that happened in connection with the prerogative during the time that

elapsed between the signing of Magna Carta and the Revolution of 1689, belong so much to the region of history that there is no need to touch upon them in detail here. It is enough to bear in mind the general principles that were discussed; and to see the meaning of the conclusions at which the nations finally arrived.

2. The great family of the Plantagenets occupied the throne until the end of the Middle Ages; and fell at last by reason of dissensions among themselves. They had divided into the two houses of Lancaster and York; the former being largely under the control of the central assembly; the latter overruling it, and governing virtually by the exercise of prerogative alone. The death of Richard the Third at Bosworth left the Yorkist party without any strong individual at their head; while a very capable man had come to be acknowledged as the leader of the Lancastrian faction.

3. This was Henry, Duke of Richmond, afterwards Henry the Seventh, who, although related to the Plantagenets through his mother, was really the founder of a new dynasty—that of the Tudors. When he ascended the throne, there was a combination of circumstances which led to the prerogative of the Crown being more widely extended and more strongly employed than had been the case since the beginning of the twelfth century, or the days of Henry the Second.

4. In the first place, both Henry the Seventh and his son Henry the Eighth were men of notable character and of strong will. The majority of the barons had been slain in the Wars of the Roses; and the confis-

cation of many of their estates added to the wealth and influence of the Crown; while the new nobility, which had been called into existence by the Tudors themselves, did not possess sufficient weight to exercise any real control on the king. The Central Assembly, in the absence of an influential baronage, was still far too weak to keep a determined monarch in check.

5. We accordingly find, in the days of the Tudors, that the prerogative began to be overlaid with unusual and improper accretions; and there was not in existence, as in the days of John, any body of nobles strong enough to prevent this change. Henry the Seventh exacted money from his subjects in accordance with his own caprice, and without the consent of the central assembly. Henry the Eighth caused the same assembly to pass a statute by which the King's proclamations were given the force of law.

6. Elizabeth, in the earlier part of her reign, denied that the central assembly possessed any independence at all; and declared that she would not have her prerogative "argued nor brought into question." It must be borne in mind, however, that though the Tudors ruled as despots, they were despots who acted for the good of the country at large. The firm government of the two Henrys gave to England what it wanted—an enforced quiet after a long period of civil war; and, under Elizabeth, England rose to be the leading power in Europe, and the wonderful expansion of the empire commenced.

7. But the prerogative was undoubtedly in an unnatural condition, and a reaction soon began to set in. The Reformation, which came to a head in the reign of Henry the Eighth, made it possible for men to

discuss questions of religion, instead of remaining subservient to one set of ideas. The Reformed Church did not please all of those who were anxious to reject the supremacy of Rome; and their ranks were very quickly divided into several sects. Some of these, who afterwards developed into the Puritan party, began, in the later years of Elizabeth's reign, to agitate for ecclesiastical reforms; but the introduction into the House of Commons of certain Bills dealing with such reforms was regarded by Elizabeth as an offence against her prerogative, and led to a collision between the Queen and the House.

8. The Puritans, however, increased in number, and became a formidable body, until it was largely through their votes that Elizabeth was defeated in a question of monopolies, two years before she died. The succeeding dynasty, that of the Stuarts, endeavoured to obtain as much, if not more, power than the Tudors had possessed, but the personal abilities that so distinguished the Tudors were absent entirely from the Stuart kings.

9. The fierce rebellion which broke out in Charles I's reign was far more productive of political events than of constitutional results; for it was not in 1649, but in 1689, that the question of prerogative was finally settled. What was then done by two famous statutes, known as the *Bill of Rights* (1689) and the *Act of Settlement* (1701), was to sweep away the additions to the prerogative which the Tudors and the Stuarts had wrongfully made. But the prerogative itself was by no means destroyed; because it is inseparable from the existence of the Crown.

10. William the Third secured the throne by

making a bargain with the nation through the medium of their central assembly; and since his day, a little over two hundred years ago, we have been ruled, as you have already seen, by the High Court of Parliament, which consists of the Crown, the House of Lords, and the House of Commons, *all acting together*.

11. There is no need nowadays, for reasons which you will see later, why the Crown should exercise such extensive prerogatives as were useful, and in fact necessary, in the days of the Norman kings, the Angevin kings, or the early Tudors. But the prerogative is still great; and is not the less powerful because it is clearly defined. In addition, the influence of the Crown is one of the most important factors in the government. What these prerogatives and influences are we will discuss presently. It will be necessary first to deal with certain matters relating to the House of Lords and to the House of Commons.

5. *Accretions.* Undesirable additions.
8. *Monopoly* A grant on the part of the Crown in favour of some one individual to give that individual the *monopoly* or exclusive right of dealing in a certain article. The person enjoying the monopoly could then charge his own price, and so speedily amassed a fortune.
9. *Not in 1649, but in 1689* Not by the execution of Charles the First, but by the passing of the Bill of Rights.

CHAPTER XXIV

THE HOUSE OF LORDS

1. Although our Teutonic forefathers had no kings when they were living in their forests in Germany,

they were accustomed to discuss the affairs of their tribes in a large assembly which, when brought over to England, was known by the name of the *Witenagemôt*, or meeting of the wise men. There have been great discussions among scholars as to what persons attended this meeting; some holding that it was open to all the free men of the tribe, and others that only the leading or more important men were permitted to be present

2. Whatever the exact state of the case may be—and the name of *Witenagemôt* seems to imply that the attendance was in some manner limited—there can be no doubt but that this attendance soon came to be restricted to the important people only. There would be not only the difficulty, in Anglo-Saxon days, of moving about from one part of the country to another—for the meetings were not always held in the same place; and a free man, say in the remote districts of Northumbria, might find it very difficult to be present at a meeting in Wessex; but there was also the chance that a man who appeared at a meeting held in a district other than that in which he lived would be virtually a stranger, and as such would find it hard to make his influence felt

3. So that even if all free men were entitled to attend, before long the *Witenagemôt* had come to be an assembly of the principal people. If it were democratic in theory, it was certainly aristocratic in practice; and this result was still more acutely felt when once the Norman Conquest had taken place. For under William the First it was turned into the Great Council of the king's tenants-in-chief (see p. 113), and until Henry the Second introduced some

changes, of which we shall read directly, only those people were entitled to be present who were themselves holders of land.

4. Under the Anglo-Saxons, the powers of the Witenagemôt were very great. We have said already that the Anglo-Saxon kings were not by any means feudal kings; and this consequently meant that they were subject in many ways to the decisions of the Wise Men. They were indeed elected by the Witenagemôt; and could be passed over, even if next in the inheritance, or could be deposed from the throne if they proved themselves unfit. The Wise Men levied taxes, and made new laws; regulated all questions of peace and war; managed the affairs of the Church; appointed or removed all the great officers of state; and acted as the highest court of law in the land.

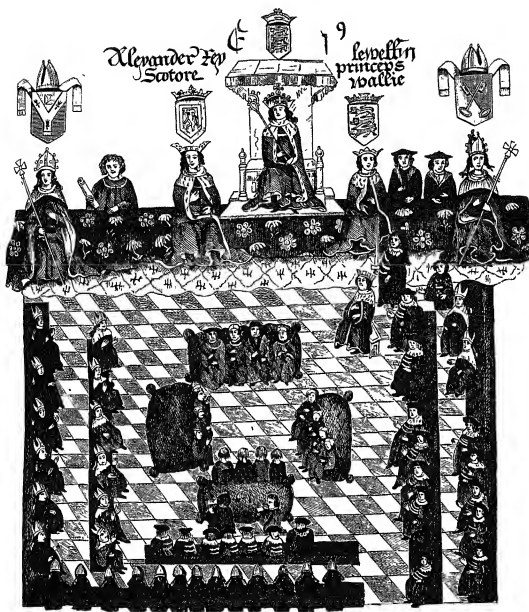
5. The despotism of the Norman kings reduced these powers of the Witenagemôt until they were little beyond the giving of a formal assent to the king's proposals. But the Great Council, as the assemblage was then called, always retained the one powerful check upon the prerogative which was secured to them by their having a voice in the election of the king; and this is a power which has never been taken away from Parliament, the present representative of the Wise Men. It was exercised by Parliament so recently as at the passing of the *Act of Settlement* in 1701.

6. The extravagant claims put forward by John roused the Great Council to assert once more their undoubted rights, and then the barons who composed the assembly forced the king to sign the *Magna*

Carta; and during the long minority of his son, Henry the Third, found ample exercise for the strengthening and the increasing of their powers. During this long minority, too, another change was insensibly working itself to the front.

7. This was brought about by the gradual addition to the Council of knights, burgesses, and citizens; until in 1295 was held what was called the Model Parliament, because all classes of the realm were there duly represented. But the body of men thus brought together proved too unwieldy to sit in one assembly; so somewhere about 1327—the exact date is not known—a division took place between them; the barons and prelates, *i.e.* the original members of the Witenagemôt, forming one body, which came to be known as the House of Lords; while the knights of the shire, the burgesses, and the citizens, *i.e.* the newly introduced elected members, formed the other body and called themselves the House of Commons.

8. With the history of the Commons we shall have to deal presently; we now have to finish the history of the House of Lords. So far, then, we have seen that it springs directly from the old Anglo-Saxon Witenagemôt, which, at the time of the Norman Conquest, was changed into the Great Council, a court of the king's feudal vassals. The qualification for attending in Norman times depended entirely upon the holding of land; and to such an extent did the Norman lawyers carry out this idea that, in 1164, they ordained that the bishops, who previously had been summoned as Wise Men, in accordance with the Anglo-Saxon custom, should henceforth be summoned as if by right of being barons.



THE HOUSE OF LORDS UNDER EDWARD FIRST

This drawing represents the House of Lords as it sat in 1274, the only year of Edward the First's reign when it was attended both by the King of Scots and the Prince of Wales. The Archbishop of Canterbury sits on the right of Alexander of Scotland, the Archbishop of York on the left of Llewellyn of Wales. The outer row of mitred abbots; the inner row, and two figures just below the Archbishop of York, are eight bishops. Twenty lay peers sit on the right; the chancellor and judges on the woolsack in the middle.

9. Mention was just now made of certain changes which Henry the Second introduced into the Great Council. Chief among these was the right he reserved to himself of demanding the attendance of persons whose presence he desired, whether they were possessed of the necessary land or not. Acting on this principle, he commanded the presence of certain of his judges, or men upon whose advice he could rely; so that, before his reign was over, two classes of persons in the council were clearly marked—those whose great possessions *entitled* them to a summons; and those who were summoned at the pleasure of the king.

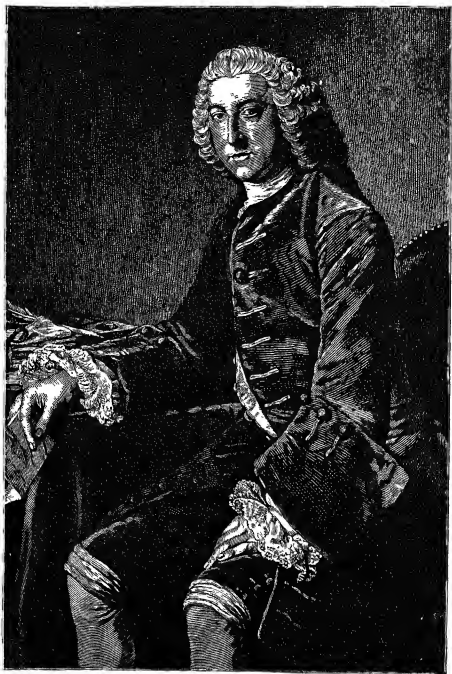
10. But gradually another principle crept in—that the right of attendance was *hereditary*, that is to say, passed on from father to son. This was because the tenure of land was hereditary; and although there was no actual reason why a man should receive a summons to the council because his father had had one, this custom grew and hardened into law, until by the time of Richard the Second (1377-1399) it was fully established that if a man obeyed the summons and sat in the House of Lords, his acquiescence created an hereditary peerage; and that in subsequent Parliaments the Crown could not refuse to summon him again.

11. After the changes under Henry the Second, and the development of the hereditary principle in the days of Richard the Second, the next great change in the House of Lords came during the reign of Henry the Eighth; when, by the dissolution of the monasteries, a number of the bishops, abbots, and priors no longer held their seats. At the time of the Rebellion, the Rump Parliament, as it was called, passed a resolution

abolishing the House of Lords ; but this resolution being carried by only one branch of Parliament instead of the three branches acting together, was illegal, and had no effect, the House of Lords assembling again at the Restoration without any statute being necessary to summon its meeting.

12. The last stage in the history of the House of Lords was reached in the reign of George the Third, when William Pitt, the great prime minister, added very largely to its numbers by advising the king to create peers from various wealthy members of the community. These new peers were chiefly bankers, merchants, and other business men, and not necessarily persons holding large quantities of land.

3. *Tenants-in-chief.* Persons who held their land directly from the king.
7. *The gradual addition to the Council.* The two important stages are 1213, when "four discreet knights" from each county were bidden to assemble at Oxford ; and 1265, when two burgesses attended from every borough, and two citizens from every city.
12. *William Pitt* Prime Minister under George III., from 1783 to 1801.



WILLIAM PITT

CHAPTER XXV

THE HOUSE OF COMMONS

1. The House of Commons, as we have seen, began about the year 1327, when the new elements that had been introduced into the Great Council made that body too unwieldy to sit as one assembly. There was, however, something else besides mere convenience at work to help to bring about this division. The citizens and the burgesses, little used to the discussion of affairs of State, were ill at ease in the presence of the great nobles and prelates, and preferred to carry on their deliberations by themselves.

2. Their share at first in political matters was, no doubt, largely confined to deciding what proportion of the necessary money for the State they and the classes whom they represented would be prepared to pay. It was, however, a fortunate thing for them that the knights of the shire decided to join with them when the division of the council took place; for the knights were closely akin to the nobles and prelates, and so gave to the decisions of the burgesses a weight and strength they would not otherwise have possessed; while unlike the great barons, but like the burgesses, they did not sit by reason of their own personal importance, but by reason of their speaking on behalf of their fellows in the community.

3. It is this principle of representation that connects the House of Commons so closely with the bulk of the nation; and it is in the duty of helping

to choose representatives for the House of Commons that the chief national work of individuals lies. The career of the House of Commons since 1295, in consequence, largely turns, as might be expected, upon questions of money and of finance. With the House of Lords, the Commons have shared three things—the right to be consulted on questions of legislation, a right sometimes avoided by the Crown when questions of prerogative arose; the right to join in the deliberations of the sovereign; and the right to have a voice in all matters of taxation.

4. This last point, established by Edward the First, was still further developed on behalf of the Commons, until it was established that any bill dealing with matters of taxation must *originate* in the Lower House; and further still, that a money bill begun by the Commons could not be amended or rejected by the Lords. This led to the unconstitutional practice of "Tacking," which was followed when the Commons desired to pass a measure which they knew the Lords would refuse. Such a measure was then tacked on to a money bill, and so the Lords were obliged to pass the obnoxious measure, unless they deprived the Government altogether of supplies. But this procedure, which was obviously unconstitutional, and likely to be attended with great danger, was stopped by a resolution of the Lords in 1702.

5. The House of Commons also gradually won for itself control over the *appropriation of supplies*; which means, that if Parliament votes certain sums of the national money for the service of the Government, the Commons claim the right to know how that money is spent. This prevents the improper use of any

sums which the nation is called upon to pay; and a further check upon the Government is exercised by the right of the Commons to *audit*, or examine and pass, all Government accounts.

6. One result of the rebellion, although it did not express itself in any statute law, was that the position, and in fact supremacy, of the Commons was firmly established. But at the Restoration the House was intensely loyal until estranged by the injudicious acts of James the Second. But, with the Revolution of 1688, a new and important development began to take place—the growth, that is to say, of the Cabinet system, and of ministerial government; and by such a system, which will be explained shortly (see pp. 116, 149, 151), anything like a collision or disagreement between the Crown and Parliament is rendered impossible.

7. Although we have said that the duty of helping to choose persons to sit in the House of Commons is the most important public function an ordinary individual has to perform; and although it has been pointed out that by the performance of such duty, representative government is made possible, and the nation is given some voice in the management of its affairs, it must be remembered that this privilege was not at first very eagerly sought after. It was, in fact, often evaded, or neglected altogether.

8. The knights of the shire were first of all chosen in the county court, an institution coming down from Anglo-Saxon times, and which was for the shire very much what the Witenagemôt was for the nation. All freeholders were entitled to be present when the knights of the shire were being chosen; but by degrees

the work of election fell entirely into the hands of the sheriff, or officer of the king who presided over the court.

9. This faulty system having been remedied, it was provided, in the year 1430, that only those could have a voice in the election who were resident freeholders worth at least 40s a year. Then, in 1665, persons worth £200 were given a vote; and further changes were made by the Reform Acts of 1832, 1867, and 1884.

10. The voting in boroughs was arranged in many different ways; but, generally speaking, it could be exercised by those who paid *scot and lot*, i.e. the local rates. Sometimes, however, it fell into the hands of the corporation of a town (see p. 53), and then abuses often crept in, and affairs were in an unsatisfactory state until the passing of the Reform Bill of 1832.

11. That Bill introduced no new principle at all; but merely suited immemorial customs to the changed conditions of the times. By reason of the development of trade and commerce, large towns had grown up in the midst of previously thinly inhabited districts; while many ancient and populous cities had fallen into decay. The bill took the first steps towards securing that the representation of places in the House of Commons should be somewhat in accordance with their size, a principle more fully worked out by the bills of 1884 and 1885.

12. The franchise, or right of voting for the return of a member to the House of Commons, is now within the reach of nearly every adult male in the kingdom. Peers do not vote, because they have an assembly of

their own Women, insane persons, and felons are disqualified. But on the rest of the community the duty falls.

1. *Unwieldy.* So large as to be awkward.

CHAPTER XXVI

THE EARLY HISTORY OF THE PRIVY COUNCIL, AND THE ORIGIN OF THE CABINET

1. We have now traced the outlines of the history of the three parts of the High Court of Parliament, from the earliest times until the Revolution of 1689; and we shall have later on to consider the special position of each of these three parts, as it was finally settled by the Revolution, and as it has virtually remained until the present day.

2 But we cannot properly realise what that position is until we take into account the part played by a certain body of officials, which is known as the CABINET; and we cannot understand the functions of the Cabinet unless we first of all make ourselves acquainted with the history of the PRIVY COUNCIL.

3. To adequately learn anything of the history of this Council, we have to carry back our minds to the old Anglo-Saxon days, when, in each Anglo-Saxon kingdom, there was a Witenagemôt, or assembly of wise men, and when the king was first developing his kingly office. Now as the king, in each kingdom, increased in power and strength, he became more and more surrounded with great officials, whose duty it

was to perform certain duties in the royal palace. There was, for example, the *Bower Thegn*, or the nobleman who had in his charge the management of all royal ceremonies.

4. There was the *Horse Thegn*, who looked after all affairs connected with the stables and the horses; a very important function, as you will easily understand, when railways were unknown, and when people had to ride or drive if they wanted to move about the country at all. There was the *Staller*, who controlled all matters belonging to the king's household; and the *Dish Thegn*, who was responsible for the provisioning of the palaces and the royal establishments.

5. These officials, by reason of the nature of their work, were always living in proximity to the king; and the king, not unnaturally, got into the habit of talking with them, and, in fact, often of consulting with them, upon the various affairs of State that happened to be dealt with in the meetings of the Wise Men. It might often come about, moreover, that these officials were themselves members of the Witenagemôt, because they were almost always nobles of great power and importance; and so insensibly, in the course of years, there grew up a small body of personal advisers of the king, men whom he was in the habit of consulting privately, and by whose counsel he was largely guided in all his dealings with the assembly.

6. No doubt you may have wondered how it was that sometimes a king should have been subservient to his Witenagemôt, and sometimes strong enough to manage and control it. This was due, in a large measure, to the personal character of the king, but it

also depended upon whether the king was supported or contradicted by this new council. A king of a firm disposition, backed up by the council, most of whom were, as has been said, members of the assembly themselves, could generally hold any Witenagemôt at defiance

7. And as the council developed more and more, so it helped and strengthened the prerogative of the king, and led the way for a firm central government. The Norman Conquest made a good deal of change in the council, just as it made numberless changes elsewhere. The Witenagemôt turned into the Great Council, of which this body of members of the household formed an inner ring, or permanent committee, and was known by the name of the Ordinary, or King's Council.

8. At first, indeed, during the Norman and Angevin days, it is almost impossible to distinguish between the two councils; one is virtually the same as the other. The Great Council, for example, probably did not contain so many members as the Witenagemôt, while the number of royal officials was increased. Still there was this difference observed between the two; that to the Great Council only those who held the land qualification were entitled to come, until Henry the Second introduced his changes (see p. 104), while the King's Council, at any rate until the time of Henry the Third, was composed solely of such persons as the king himself chose to consult.

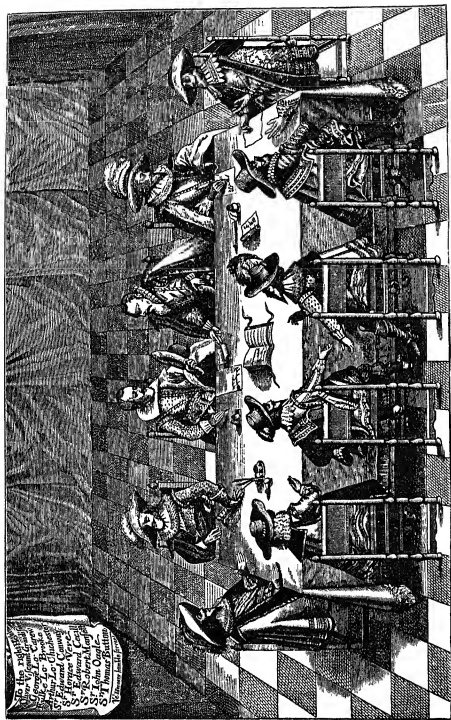
9. But Henry the Third succeeded to the crown when he was only six years old; and the consequence was that the work of government had to be conducted by the officials for a great number of years. We must

remember that the House of Commons did not then exist, because it was not really begun until 1265; and that of the three parts of Parliament, as we understand them now, the barons were the only one in actual working order. The King's Council, therefore, did a great deal of work, by assisting and advising the barons as to questions of policy; and by undertaking the actual executive work of the Government.

10. When, therefore, Edward the First came to the throne, he found the King's Council occupying a very definite and important position; and being himself a man of a strictly legal turn of mind, he managed, in the course of his reign, to have the relative positions of every branch of the Government duly ordered and settled. So the King's Council developed speedily into a strong definite body, quite distinct from Parliament, which, in Edward the First's reign, was slowly growing into the shape which we understand now; and this older council and the newer Parliament very often came into serious collision with one another.

11. We can pass over, for our purposes here, the details of the subsequent history of the Council; they afford a commentary upon all the events of English history. It is enough to notice that in the days of Henry the Sixth, the name of the assembly was changed from King's Council to PRIVY COUNCIL; and that gradually a difference in the membership crept in, some of the councillors attending on ordinary and more or less formal occasions; and certain selected members, who were specially sworn to secrecy, coming to advise the king on important or private occasions.

12. But by reason of so many officials having come to belong to the Privy Council, their number made it



THE COUNCIL OF WAR, 1623-1624

too unwieldy for any good practical purpose; and just as, in the old days, when it was the King's Council, it had virtually grown out of a permanent committee of the Great Council, so later on, in the reign of Charles the Second, another committee was formed out of the Privy Council; and this committee is a body which has existed down to our own days, by which the work of government is actually done, and which is known by the name of the *Cabinet*. The Privy Council still continues, and has much important work to do; but it is this later body, the Cabinet, which came into existence a little before the Revolution, that has made possible the working of our present system of government.

5. *In proximity to.* Near by

Insensibly. So gradually as not to be perceptible at the time.

CHAPTER XXVII

THE CABINET

1. There are many matters of interest attaching to the Cabinet, because it is a body of which we read a great deal in the newspapers, but of which, as a rule, we understand very little; and there are also many points of great importance belonging to it, because it affords one of the best examples of our present system of representative government.

2. We must keep clear in our minds that the Cabinet, by which the government of the country is now carried on, differs in a good many ways from the Cabinet as it was first begun under Charles the Second.

Then, as was read in the last chapter, it consisted of a few members of the Privy Council who were disposed to support the king against the rest of the council : and the king presided over it in person, and took part in its deliberations.

3. But in the reign of William the Third a change was introduced ; for although the king still attended himself, the men who composed the Cabinet were not always of the same way of thinking. Some might be friends of the king ; and some might be those who were adverse to his policy. This system of mixed Cabinets continued through the reign of Anne ; and then, when the House of Hanover came to the throne, the greatest changes were made, and Cabinets, as we understand them to-day, were first begun.

4. These changes, like many other important things in English history, were due to an accident. George the First, who was put on to the throne by the Act of Settlement, was to all intents and purposes a foreigner, and was quite unable to speak English. As, therefore, he did not understand what was said at the Cabinet councils, he gave up the habit of attending them ; and his son, George the Second, although possessed of some knowledge of English, was not sufficiently interested in English affairs to be inclined to renew the practice. So by the end of the two reigns it had become an established custom that the sovereign was not present at meetings of the Cabinet.

5. In Anglo-Saxon times the Witenagemôt governed the country : in Norman and Angevin times, the king. At various times of the Plantagenets, the Tudors, and the Stuart dynasties, the King's Council or the Privy Council did the work : acting either directly, as in the

minority of Henry the Third ; or indirectly through the Star Chamber, as in the days of Henry the Seventh and of Charles the First. There have been times when the House of Commons alone has tried to carry on the government. But after the settlement of 1689 there has gradually come about this feature which distinguishes our country from every other, that the Cabinet, an informal inner ring of privy councillors, performs the work of the executive government, subject to the control of the High Court of Parliament.

6. The phrase used just above, "an informal inner ring of the Privy Council," is one to which attention must be paid if we wish to know exactly upon what footing the Cabinet stands. All persons belonging to the Cabinet must of necessity be members of the Privy Council ; and though the Privy Council itself is a body recognised by law, the Cabinet is not, because it is the outcome of an arrangement originally made for pure convenience. It is informal, because its meetings are held quite privately, and no record is kept of its proceedings.

7. Those who attend the meetings have all an equal voice in the control of affairs, the Prime Minister being in no sense the superior of any of his colleagues. The office of Prime Minister, in point of fact, is as much unknown to the law as is the Cabinet ; and the official who happens to be Prime Minister sits, and if need be, votes in the Cabinet, not by virtue of being Prime Minister, but because he is the secretary for one of the great Government departments. As a matter of fact, voting is seldom resorted to, but when it is, the vote of the Prime Minister counts for no more than does the vote of any other of his colleagues.

8. We have, then, to bear in mind that the work

of government is carried on by this informal committee of the Privy Council; that it is a committee directly under the control of the High Court of Parliament; and that Parliament itself is responsible to the nation at large by reason of the representation of the people by the members of the Lower House.

5. *Informal* Not owing its form or composition to any fixed and definite rules.

CHAPTER XXVIII

THE CONVENTIONS OF THE CONSTITUTION

1. Reference was made in the last chapter to a custom which had slowly grown up in the early part of the eighteenth century of holding the meetings of the Cabinet without the attendance of the king. This custom is different from many of those still earlier customs of which we spoke in the first part of the book, because it has never hardened into actual law.

2. That is to say, no statute has ever been passed by which the presence of the sovereign at Cabinet meetings is actually forbidden. At the same time, the custom has been rigidly adhered to ever since it first came into being; so that although it does not occupy the position of a law, yet it stands higher than an ordinary custom, which can be dropped or taken up again at will.

3. A special term, therefore, is applied to this and other similar observances, which, as we shall see, play now an important part in our constitution. They are

called *Conventions*; a word which bears much the same meaning as the word agreement, and it is by their means that our system of government is not only saved from being a hard and fast system, but is enabled to modify itself to suit the changing circumstances of any particular time.

4. How important that convention is which has deprived the sovereign of a seat in the Cabinet, we have already partly seen. It has brought about the development of ministerial responsibility; but it has secured the direct control of the High Court of Parliament over the Cabinet as well; for now ministers can no longer plead the orders of the sovereign as an excuse for any of their acts that may be called into question. They could do so, and did do so, when the sovereign took an actual share in the work of the executive government; but now that the sovereign is no longer present at the deliberations of ministers, the odium of what those ministers may do must fall upon the shoulders of those ministers alone.

5. To whom, then, do the members of the Cabinet look for the sanction or for the condemnation of their acts? They have to look to the Houses of Parliament, where their policy or actions can at any time be called into question, and can at any time be ratified or condemned. If it is ratified, well and good. They continue their administrative work under the direct approval of the Houses of Parliament, and are strengthened as well by their support. If it is condemned, an adverse vote will probably be passed upon them; and then, in consequence of another convention, they will resign.

6. We have said that there is a difference between

these conventions and the statute laws. In what does this difference consist? A law, if broken, can be directly enforced by a court of law. A convention can not. Then this seems to bring the convention once more down to the level of a mere custom. Yet there is a difference. A *Custom* cannot be enforced *at all*; a *Law* can be *directly* enforced, and a *Convention*, occupying an intermediate position, can be *indirectly* enforced.

7. How this works in actual practice will be best seen by taking an example. It is yet another convention of the constitution that Parliament must assemble at least once a year. What would happen if a Cabinet, unwilling to face the Parliament, advised the sovereign to prorogue it for more than a year? First of all, an Act called the Mutiny Act would expire; for this is an Act which only runs for twelve months at a time; and the importance of this point rests on the fact that it is by the Mutiny Act alone that the existence of a standing army is made legal.

8. So, if the Mutiny Act be not renewed at the proper time each year, either the army must be disbanded, which would mean an end to all chance of law and order; or the army must be kept up without any legal authority for its maintenance, and then the daily duties of all connected with the army would become so many breaches of the law, which would be punishable in the courts.

9. Next a great portion of the revenue would cease to be legally due; and so it either could not be collected, or else those who acted as collectors would be liable to prosecution. Such part, moreover, as did come in, could not be legally employed by the Govern-

ment. But if the Cabinet still persisted in laying hold of the revenue, they would require to buy or to compel the aid of many hundreds of persons; some, indeed, officials; but others, like the governors and staff of the Bank of England, quite unconnected with the administration. And all these persons would eventually be liable to punishment for their share in the proceedings.

10. So this understanding that Parliament must meet once a year, although it is only *indirectly* enforceable in the law courts, has nevertheless behind it the sanction and authority of the law. And the same thing may be said of any other of the conventions that we may choose to examine. For if we take the case of a ministry against whom a vote of want of confidence had been passed, but who nevertheless were unwilling to resign, we should find that almost exactly the same series of things would occur.

11. Sooner or later, the ministry would have to attempt to pass either the Mutiny Act, or the Appropriation Act (see p. 108), which also has to be carried once every year in order to conduct the finances of the country. The Houses of Parliament, refusing to pass these Acts, would plunge the ministry into the same inextricable confusion that would have come about had they refused to call Parliament together. The same forces would be brought into play. The controlling hand of the law courts (and so, ultimately, of the High Court of Parliament) would make itself felt in the end

4. *Odiūm.* Blame.

5. *Ratified.* Approved of.

CHAPTER XXIX

THE PRESENT POSITION OF THE CROWN

1. We have now to deal with a question of peculiar difficulty, but at the same time of great importance. We can say that it is difficult to treat of the position of the Crown since the Revolution, not so much because there is an absence of material, but because there are at work many potent influences which can hardly be put into words.

2. In the first place, it must be clearly understood that none of the *legal* prerogatives of the Crown (see p. 92) were taken away at the time of the Revolution. What was then done was to sweep off the illegal powers which had grown like excrescences on to the prerogative under the dynasties of the Tudors and the Stuarts. So that, in accordance with the written constitution, the sovereign still exercises the supreme executive power, and possesses a legislative power which is, as has often been pointed out, in theory co-ordinate with that of the Lords and the Commons.

3. This means that all the work of the Government is carried out in the name of the sovereign. The judges, who administer and preserve the law, are the sovereign's judges, and represent him when they are performing their duties. Criminals are prosecuted not by the person they have injured, but by the sovereign, because the sovereign is the supreme magistrate in the land, a position inherited from the ealdorman of Anglo-Saxon times.

4. The sole power of raising, regulating, and disbanding either fleets or armies belongs to the sovereign, who holds this right from the heretoga of Anglo-Saxon days. The sovereign is the legal head and governor of the national church; and still further enjoys the prerogative of calling Parliament together, of proroguing or dissolving it, and of refusing the royal assent to any bills.

5. It may seem at first sight as if these great and far-reaching powers were inconsistent with the sovereignty of Parliament, on which some considerable stress was laid a few chapters back (see pp. 22, 26). But this is not the case; for in the first place, as has been pointed out, the Crown itself is a part of Parliament (see p. 24), and in the next place, when the prerogative has to be employed, an important convention of the constitution comes into play.

6. This is a convention by which *all the legal prerogatives of the Crown are exercised in accordance with the advice of the Cabinet*, and the Cabinet, as was shown in the preceding chapter, is entirely under the control of the two Houses of Parliament (see p. 119). This brings about the result described in Chapter VII (see p. 24), that no one part of the three parts of Parliament has any undue power over the others.

7. Supposing, for example, that a criminal were condemned to death by a judge, and that the Crown pardoned the criminal and spared his life. This would be done because a member of the Cabinet, whose duty it is to see to such matters (the Home Secretary), had advised the sovereign to grant this pardon.

8. Again, the summoning or the dissolving of

Parliament is done by the sovereign when the Cabinet recommend that it should be done; and in making appointments to the high offices of the Church, the sovereign is also largely guided by the wishes of the Prime Minister upon the matter. The refusal of the royal assent to a bill that had passed through the two Houses would, however, clearly be a matter in which the wishes of the Crown would be contrary to the wishes of the Cabinet; but it is a proof of the excellent way in which our system of conventions has worked that such an instance has not occurred since 1707, when Queen Anne refused to allow the Scotch Militia Bill to become law.

9. This system, in its completeness, did not exist directly after the Revolution, although it undoubtedly began with the passing of the Bill of Rights (1689) and of the Act of Settlement (1701). It was largely helped on by the accident that made cabinets possible (see p. 117); and though it suffered for a time at the hands of George the Third, his successors have all been constitutional monarchs, but none of them more so than our present queen. To understand exactly what is implied by these words involves an accurate knowledge of the political history of the House of Hanover.

10. It is not, however, quite enough to estimate the position of a constitutional monarch merely by the legal powers which the Crown holds, or by the system of conventions under which these powers are exercised. There are some people who think that the sovereign is merely an ornament or figure-head, with no responsible work to do, or with no capacity for doing it. Such people betray their ignorance both of political and of constitutional history, as much as do those who

think that Parliament means the House of Commons alone.

11. In the first place, the sovereign who is on the throne is not a machine, but a human being who has been carefully trained under circumstances which afford an unusual chance of learning the business of politics. And on all the important questions which have to be considered by the Cabinet, the sovereign receives full and special information, and is entitled to express an opinion, even if that opinion may not be actually enforced. Such an opinion, too, especially in the course of a long reign, may become a thing of great weight and value. Queen Victoria, for example, has been daily confronted with the most profound questions of State for nearly fifty-seven years.

12. It would be impossible for any one to occupy such a position without at least acquiring experience; and while ministers and cabinets come and go, and are often changed by the fluctuation of popular fancy, the sovereign, holding a permanent place, has the policy of each group of ministers explained to him or her in turn, and remains the instrument without which the ministry cannot act. The Crown, as we understand it now, possesses all the advantages of not being subject to the fickleness of the populace; while at the same time, every chance of its exercising despotic power has become a thing of the past.

1. *Potent* *Powerful*.

. CHAPTER XXX

THE PRESENT POSITION OF THE HOUSE OF LORDS

1. Although the position of the Crown was so largely affected by the Revolution, that of the House of Lords was hardly touched at all. The changes that have taken place with regard to it since 1689 have been purely changes affecting the persons of whom it is made up. There were about 150 members of the peerage at the time of the Revolution; and the new creations of William the Third and Anne raised this number to 168.

2. But the consolidation of Great Britain and Ireland brought in sixteen representative peers of Scotland in 1707, and twenty-eight representative peers of Ireland in 1801. The greatest change by far, however, was that which was begun in the reign of George the Third, initiated by the king himself, and carried out on similar lines, but with very different views, by his minister, William Pitt. This was the addition to the peerage of many new men; undertaken by the king as a means of creating for himself a permanently favourable majority in the House of Lords, by the aid of which he hoped to break down the methods of party government which had already begun to hem in the royal prerogative. The object of Pitt, however, was to prevent the peerage from settling into a caste, by including among the holders of titles those who, by reason of eminent merit, were deserving of reward, and

those who belonged to the great landowners and the other opulent classes.

3. The reign of George the Third was the longest so far known in English history; and at the close of the reign there had been no less than 388 additions to the peerage. At the present day, the numbers of the full assemblage amounts to 560, composed of 5 princes of the blood royal, 2 archbishops, 485 peers of Great Britain, 24 bishops, 16 representative peers of Scotland, and 28 representative peers of Ireland.

4. The functions of the House of Lords fall into a threefold division; they are LEGISLATIVE, DELIBERATIVE, and JUDICIAL. So far as *Legislation* is concerned, its powers are co-ordinate with either the Crown or the Commons. It can initiate any bill, except one relating to taxation (see p. 108), and bills dealing with the peerage can originate in it alone. As a rule, however, the duty of initiating bills is fulfilled by the Commons; and the House of Lords confines itself in practice to amending and revising the measures that are sent up to it for consideration. In this manner, since the days of the Revolution, there have fallen upon it the important duties of a second chamber, an absolutely necessary body in any system of representative government

5. Proposals may frequently be made in a popularly elected chamber, such as the House of Commons, which may be hasty or ill-advised; and the measures favoured by one House of Commons may often be obnoxious to the succeeding House of Commons. Such measures, if they could be carried into law by the voice of one assembly, would frequently be harmful to the empire; because it is always far easier to pass a law than it is

to repeal it. But here a second chamber acts as a responsible and a useful check; and the House of Lords, being a second chamber which is not dependent upon the popular vote, is able to view the measures sent up to it from a different standpoint to that of the other House.

6. But the peers who compose the House of Lords are just as much members of the community as the members of the Commons, or as the electors who send the members up to the Commons; and they are interested, equally with any other citizens, in securing good and useful legislation for the country. They, therefore, do not prevent any measure from becoming law which is really for the good of the majority of the community; while by their constitutional action they secure that proposals which embody great and far-reaching changes shall be carefully examined and adequately dealt with before they become actual law.

7. In this way they perform an office of the greatest benefit to the community, while by their personal position and circumstances they are peculiarly able to obtain special information or to acquire special knowledge of the measures with which they have to deal. Their hereditary office at the same time places them far above the influences which affect a popularly-elected assembly.

8. So far as their *Deliberative* functions are concerned, the peers, by long prescriptive right, are the counsellors of the king, and have the privilege of personal access to the sovereign; whom the Commons can only approach through the medium of their Speaker. The Peers, too, as being the permanent advisers of the Crown, can be consulted by the Crown

when Parliament is not sitting, and can give advice to the sovereign. The private and personal history of politics—without a knowledge of which no true knowledge of history can be obtained—contains many instances of the assistance that the Peers have so rendered to their country.

9. When we were speaking of the early history of the King's Council, as it grew up from the midst of the Great Council (see pp. 111-116), mention was made of the work that it undertook as a court of law. This *Judicial* function has remained until the present day, and the House of Lords forms the highest tribunal in the land. Such judicial functions were specially secured to it by a resolution passed in the time of Richard the Second (1399). The Commons, nearly three hundred years later (1675), attempted to dispute this right, but failed in the attempt.

10. Provision is made in the constitution for obviating a difficulty that might arise if the Peers were unwilling to give way over a bill which not only the House of Commons, but the whole country, was genuinely desirous of seeing passed. This difficulty can at once be got over by the exercise of one of the prerogatives of the Crown—the right, that is to say, of creating new peers. But just as the royal veto has not had to be exercised since 1707, so the creation of peers for such a purpose has not been employed since 1711.

11. In the fulfilment of their duties as a second chamber, the Peers are right in withstanding any measure which may have been hurried through the Commons, and upon which the country has not spoken with any certain voice. But should the majority of

the people clearly express themselves in favour of a measure, the Peers will never withstand such an expression of opinion. They are right, too, to look to the country and not to the Commons, for they are an important portion of a system of representative government, and representative government depends upon the wishes of the majority got together from all sections of the community.

2. *Consolidation* The act of joining two or more things together.

Caste. A comparatively small number of men bound together by ties of blood.

Opulent Rich.

10. *Obrating*. Avoiding.

CHAPTER XXXI

THE PRESENT POSITION OF THE HOUSE OF COMMONS

1. In principle the House of Commons has not varied since the days when it was first called into being. Edward the First saw the importance of the maxim that what concerned all should be approved by all; and in the Parliament of 1295 he contrived to assemble representatives of every class that was not as yet represented by the Barons, the Prelates, or the Crown. In this principle, the subsequent measures known as Reform Bills have made no change; they have only affected details in the way that has been rendered necessary by growth of population, and by the allied circumstances of the community.

2. By far the most important of the functions of

the Commons are those which it has gradually secured to itself in connection with the control of all matters relating to finance. These powers, which have been already referred to (see p. 108), include not only the originating of all money bills, but also the right of appropriation of supplies, and of auditing the public accounts. By such measures, the complete control of the expenditure of the country passes into the hands of the House of Commons, while the Government is dependent upon the House of Commons for the money which it has to spend. And it is by this power of refusing to vote supplies that the House virtually exercises a control over the executive branches of the Government.

3. The House of Commons itself is not concerned with executive work; and wisely so, because such work can seldom be carried out satisfactorily by popularly-elected bodies. There is a lack of permanence about such bodies, and often a want of the necessary knowledge of detail; while, in addition, the choice of a popular election by no means necessarily falls upon the best person, but upon the person who is most pleasing to the majority of the electors.

4. In consequence of this, the great executive departments of the Government are always in the hands of a strong staff of permanent officials; and much the same thing holds good, though of course in a less degree, in the case of the popularly-elected bodies concerned with the tasks of local government. The House of Commons, however, is the great debating ground of the nation, where all questions of politics and many questions of statesmanship are discussed in the full light of day. But a tendency is at

work in Great Britain which sooner or later is sure to be found in representative governments—a tendency for actual power to leave the House of Commons,



IN THE HOUSE OF COMMONS

and to concentrate itself in the Cabinet, *i.e.* the Executive, on the one side, and in the Electors, *i.e.* the bulk of the people, on the other.

5. When we say that the House of Commons is

the great debating place of the nation, several points come up which are well worthy of our notice. However great or however convincing a speech may be that is delivered in the House of Commons, it seldom or never influences the votes of any members. On all important questions, the divisions that take place are pretty much the same as would have occurred if no debating had been gone through at all. This does not minimise the value of many speeches, for by some of them a large amount of information upon the subject in hand is made available for the nation at large. It is, however, a curious feature of party government as carried on in representative institutions.

6. Then with regard to the debates, we must also remember that out of the nearly 700 members who make up the House of Commons, only about 150 take part in the work of debating. To be a good debater, a man should possess not only the gift of speech—that is, the gift of putting his thoughts readily into clear, well-chosen words, but he should also have sufficient knowledge of facts to enable him to contribute something of value to the debate. And further than this, he should be able to marshal and arrange his facts, to state his arguments clearly, and to draw his conclusions with accuracy.

7. Yet although by far the greater number of members of the House are silent members, and never join in the debates, they have the opportunity of doing a great deal of useful work for the country by taking part in the various committees that are held in the Palace of Westminster, and by recording their votes upon any division at which they may be present. In

the giving of such votes they are chiefly influenced by two motives—the desire to act in accordance with the wishes of the electors who have sent them up to Parliament; or the desire to follow the political views expressed by the leaders of the party to which they belong.

8. In being actuated by the last-named motive, they generally are wise; because a very great deal in the science of statesmanship is affected by the special and private information which is available to the Crown and the members of the Government only; and which hardly ever, during the conduct of affairs, is made known to the outside world.

9. There is a still more important matter connected with the membership of the Lower House, and that is that the persons elected to sit there ought never to look upon politics as a means of livelihood. If such a course is followed, they are prevented from exercising any freedom of judgment, and the interests of the country at large will speedily suffer.

10. It is with this idea in mind that the salaries of ministers and officers of the Government are placed at such figures as will virtually only cover the expenses of the position; in many cases, of course, they do not even do that. But it is felt that if they are put so high as to yield a pecuniary benefit to their holders, the temptation to needy or unscrupulous men would be irresistible; and the welfare of the community would be seriously endangered.

11. The choice of a representative for the House of Commons therefore places a very grave responsibility upon the electors. That the House should contain men of every shade of opinion and thought is

a right and fitting thing, because otherwise our complex nationality will not be adequately represented. But to faithfully perform the duties of a member of the House requires the possession of rare qualities, and of an unflinching straightforwardness and honesty. To become worthy to take an influential part in the affairs of the House demands also the possession of exceptional abilities, and of a large amount of sound knowledge. And to endeavour to elect members possessing such qualifications is one of the most arduous duties of the English citizen.

4. *Concentrate.* To bring to a central point.

B.—THE WORKING OF THE PARLIAMENTARY SYSTEM

CHAPTER XXXII

TAXATION, LEGISLATION, ADMINISTRATION

1. When the High Court of Parliament is properly assembled, and in full working order, there are clearly a very great many things to which it will have to give its attention; but, however numerous they may be, they are always capable of arrangement into three great groups.

2. Let us try to see if what we have been reading about Parliament will give us any clue with regard to these groups. We know that the sovereignty of the

whole empire rests with Parliament, and that there is no one in the empire who can be exempted from the laws and regulations that Parliament lays down. The making of these laws and regulations is clearly, therefore, a very important portion of its work, and is, in fact, the one known by the general name of *Legislation*.

3. But the value of legislation is not to be measured by its quantity, and often a country in which the legislative assembly knows how to exercise some moderation is more orderly and well governed than one in which an assembly is perpetually passing new measures, and unsettling all the interests of the state.

4. Now when laws have been passed, the next thing that a Government has to do is to see that they are obeyed. So the next great group of the work of Parliament is the function of *Administration*, which means the arrangement of every department and staff of officials from the Prime Minister and Cabinet down to the tax-collectors and telegraph boys. Closely connected, too, with the administrative functions of Parliament, is the control of the whole JUDICIAL system, by which the sanctions of the law are enforced.

5. The third division is the most important of all. Good legislation is absolutely useless, and sound administration is an impossibility, unless there is money available for the carrying on of the nation's affairs. The collection of this money, and the proper expenditure of it, go together to form the great function of *Taxation*. Round this function the whole history of our constitution really centres. Had it not been for taxation, the High Court of Parliament would never have been called into existence. There was wise

legislation and excellent administration long before Parliament was known at all. The king and Wise Men in Anglo-Saxon times, and king and council in Norman and Angevin times, conducted the affairs of the country with prudence and skill; but as the expenses of government increased with the increase of the nation, the new body of Parliament had to be called into being, and in connection with money matters its chief work has been performed.

6 You will remember that when we were speaking of local affairs, it was pointed out that the local government bodies had authority delegated to them from the High Court of Parliament to levy money from the inhabitants of their particular district, to be spent upon purely local purposes, and that these monies were known by the general name of RATES. The same thing takes place on a larger scale with regard to the money required for national purposes; and this money is raised by the High Court of Parliament itself, not from any one particular district, but from the country at large, and is known by the name of TAXES

7. We shall have to speak at length about the vast sums of money collected as taxes when we deal with that office of the Government which specially takes charge of financial affairs. Here it will be as well to say a few words about the manner in which the history of the constitution centres round this question of taxation.

8. We must always bear in mind that the first great reason for the existence of a Parliament is to secure that money shall not be levied from the people of a country without their consent. But it is quite

natural that when a king did demand money, the people should want to know why the money was required. And from this point, it is a very easy step to go further, and to comment upon the causes which led to this money being demanded, and to the way in which the money ought to be spent.

9. Then, too, before taxation was reduced to a system, a king who asked for money put himself into the position of a man who desired a favour to be shown him; and the people quickly developed the idea that before they would grant any such favour, they were entitled to lay down certain conditions upon which alone they would accede to the king's request. Consequently the custom first came up of making a statement of grievances, which the king had generally to promise to redress before the money was handed over to him.

10. It is not difficult to see how this stating of grievances paved the way for the House of Commons to take an actual share in legislation; but it is important to remember that at first the Commons had no real share in legislation at all. Even when, by the time of Henry the Sixth, their legislative position was recognised, they had a by no means full control over the expenditure. This control did not, in fact, come about until the reign of Charles the Second; and the increased power they had then acquired was strengthened and confirmed at the time of the Revolution.

4. *Sanctions of the law.* Punishments inflicted for a breach of the law.

CHAPTER XXXIII

PARTY GOVERNMENT (1)

1. The arrangements of government, as implied in the constitution of the High Court of Parliament, and as carried out by the executive action of the Cabinet, are, at first sight, complicated by a system known as government by party.

2. The value of this system lies herein, that by it a greater chance is secured for every shade of opinion in the country to make itself felt than would otherwise be the case under a less flexible constitutional rule.

3. Like many other of the great arrangements of the English Constitution, party government owes its origin not to any one statute, and not to the action of any one man, but to the development of ordinary circumstances during the last three hundred years. In the Middle Ages it was absolutely unknown, but began to come to the front in the concluding years of the reign of Elizabeth.

4. Its stages of development, however, concern us here but little. It is enough to say that by the middle of the eighteenth century two strongly marked parties had come into existence, known by the respective names of Whig and Tory. Of these two, the Tories strenuously supported the Constitution, and regarded it as a system from which they thought it was impossible to swerve. They had not realised that the English Constitution, instead of being rigid

and immovable, was essentially flexible and capable of adapting itself to the varying requirements of each particular age.

5. The Whigs, on the other hand, held an exactly contrary theory; but the ordinary course of events made both parties modify their originally narrow views. After the death of Queen Anne in 1714, the Whig party came into power, and held the reins of government for forty years, during which period, in order to keep themselves in office, they were compelled to consolidate the power of the Crown in connection with parliamentary government. During the same period the Tories also had seen that the sovereignty in the country rested with the High Court of Parliament, and not with any one part of it, to the exclusion of the others.

6. From the reign of George the First party government came slowly but surely to the front, one of the first permanent results being the formation of cabinets whose members all belonged to the same side. By the work of the executive government being thus handed over for a time to one party, the task of opposition or of criticism devolved upon the other; and consequently a greater weight was attached to the wishes and desires of the minority than it would otherwise have been the case.

7. For the manner in which this is brought about, we must deal presently with the incidents of a general election and of the events of subsequent years. Meanwhile, it is as well to follow the course of the two great parties through the history of their later years. About 1865, the names of Whig and Tory, which had lasted for so long, began to be superseded by two

others which were thought to be more in accordance with the altering tastes of the times. The Whig party which, since the days of George the First, had grown into an exclusive aristocratic faction, received a serious blow by the Reform Bill of 1832; for the effect of that bill was to transfer a great portion of political power from the Whig families to the now rapidly growing commercial middle class.

8. But subsequent reform bills did for the middle-class ascendancy what the bill of 1832 had done for the Whig aristocracy. Power was transferred still some degrees lower in the scale, and put into the hands of the Democracy; and the Whigs were changed into a party known by the name of the Liberals, while the Tories came to be called by the newer title of Conservatives. There have of recent years been yet more changes and developments, proceeding partly upon the same lines, but bringing about a new marshalling of old forces.

9. The spread of Democracy has led to the upspringing of an entirely new party, that of the Radicals, against whom the Conservatives and the majority of the Liberals have united together. But whether, in the course of the next two or three generations, there will be a return to the old divisions of Liberal and Conservative, or whether there will be only a Radical and an anti-Radical party, the division of the State into two great sections is an established fact that is not likely to be destroyed.

10. It may be asked if there is any reason for the number of parties being seldom more than two. At first sight, it may seem as if they must necessarily be as numerous as the various groups of opinion that are

current at any particular time. The reason, however, is not far to seek. The indefinite multiplication of parties would result in a consequent splitting up of votes at a general election. The effect would consequently be much the same as if the numerous small parties did not exist at all.

11. In all systems of representative government, the great desire of the electors is to control, directly or indirectly, the actions of the supreme executive. To do this, they must strain every nerve to carry an election ; and they can only carry elections by sinking the small differences between themselves and those with whom they partly agree, and being thus enabled to present a united front against those to whom they are diametrically opposed.

CHAPTER XXXIV

PARTY GOVERNMENT (2)

1. Having realised the existence of these two distinct parties in the State, the next thing to do is to try to understand in what manner their action affects the work of government. The best way to do this will be to follow the course of actual events as they have taken place during the last few years.

2. In February, 1886, the Liberal party came into power by reason of obtaining the majority of votes at a general election which had just been held throughout the country. They were led by Mr. Gladstone, who combined in his own person the offices of Prime

Minister and First Lord of the Treasury. When they had settled down into office they proceeded to deal with the question of the government of Ireland, to which country they desired to give a Parliament of its own, whose meetings should be held in Dublin, and which should be responsible for the control of Irish affairs.

3. This policy was strenuously opposed by the Conservative party, headed by Lord Salisbury, because it was held by them that to make the new Irish Parliament entirely independent of the Imperial Parliament would destroy the sovereignty of Parliament, on which the whole of our Constitution depends.

4. Many of the Liberals were as much opposed to the scheme as the Conservatives, and consequently it could not be carried through Parliament. Mr. Gladstone appealed to the country in July 1886, and asked the electors to declare what they wished to have done in the matter. The result of the elections was clearly to prove that the English and Scotch electorate desired the matter to drop. The Liberal party consequently resigned office; and the Conservatives came into power, the government of the empire being carried on by them for six years.

5. Now let us see what were the positions occupied at different times by the different parties. When the Liberals came into office in 1886, they occupied the position of the Government, and the Conservatives were the Opposition. But in July of the same year, after the country had pronounced an opinion adverse to the Liberal policy, the Conservatives became the Government, and the Liberals the Opposition.

6. What conclusion are we able in consequence to draw from these instances? That the Government of any time we like to take is carried on by the party that represents the *majority* of the electors in the United Kingdom; and that the Opposition represents the *minority*. Now we remember what was said earlier in this book about the question of majorities and minorities, and of the advisability of carrying out in the government, as far as could possibly be done, those things which were the wish of the majority, while at the same time the views of the minority were not entirely ignored. The system of party government, in the broadest and simplest way, affords therefore some sort of means of bringing about these results.

7. But there are other things to be taken into account as well. We have heard of the Septennial Act, an Act of Parliament which regulates the duration of Parliament. This Act only says that Parliaments shall not last longer than seven years, but does not say that they must necessarily be less. What, then, is there to prevent one of the two great parties from coming into power at a general election, and then, after having taken office, finding that public opinion had changed, and that it no longer represented the wishes of the majority of the electors? And what, further, is there to prevent a Government placed in such a situation from refusing to resign office, until the full time allowed by the Septennial Act had expired?

8. Here step in some of those *conventions* which are so common in the working of the British Constitution, and of which you read before in the chapters dealing with the history of the Cabinet. Now it has

come to be a convention of the Constitution that when the Government cannot get a majority in the House of Commons on behalf of the measures it proposes, it shall appeal to the country by means of a general election to ascertain the wishes of the whole people.

9. If the people are opposed to the scheme of the Government, then there will be fewer supporters of the Government than ever returned as members to the new House of Commons; and the Government therefore resigns, usually doing so before the new Parliament meets. The Prime Minister, on resigning office, recommends to the Queen the name of a leading statesman belonging to the opposite party; and for this statesman the Queen generally sends, and in the greater number of cases he undertakes the formation of a new ministry.

10. But if the people are not opposed to the scheme of the Government, then they return *more* supporters of the Government as members to the new House; and in that case the Government will of course be able to pass its scheme, and its position will be strengthened by having appealed to the country in a general election. This convention, therefore, that a ministry must appeal to the country if it fails to obtain a majority in the House of Commons, is one of the best checks that could have been devised to prevent any attempt at tyranny on the part of the party which happens to come into power.

3. *Strenuously.* With great vigour.

CHAPTER XXXV

PARTY GOVERNMENT (3)

1. Let us suppose, however, that another contingency arises which is not, it is true, of very frequent occurrence, but which nevertheless does sometimes come about. This contingency is the return to power at a general election of one of the two great parties of the State by so small a majority that, although the duty of forming a Government will devolve upon them, the measures that they propose may not be really acceptable to the majority of the people in the country.

2. How, under such circumstances, are the real wishes of the nation to be observed? Suppose that the Government in power at the time passes a bill through the House of Commons which is only carried by a few votes, and which is not desired by the great body of the electorate.

3. Here would be a curious position in constitutional affairs. It is a position, notwithstanding, which the constitution has foreseen, and for which it provides a remedy. That remedy is found in the existence of a Second Chamber; a body without which no form of representative government is complete. On such a bill being sent up to the House of Lords, it would be there rejected, and the country would be relieved from a burden it had not desired.

4. The duty, then, of the Opposition, is to keep a steadfast watch on the action of the Government; to

co-operate loyally with it in all such measures as are admittedly useful and necessary for the country; but to jealously guard the interests of the minority; and to oppose with all the force at its command those measures which it regards as detrimental to the best interests of the nation. The Opposition in the House of Commons is usually strong enough to do these things by itself; but the Second Chamber can always be appealed to as an arbiter, should occasion arise.

5. When, too, we say that the Opposition will co-operate loyally with the Government in measures that are admittedly useful and necessary, we are speaking of a state of affairs which is by no means impossible, but which is probably best seen at work in our own country. The reason is that in England politics have not yet descended to the level of a paid profession. Men offer themselves as candidates for the House of Commons not for the purpose of making a living, but in order to honestly do something towards serving their fellows.

6. The standard of honourable feeling which exists among public men in England is a very high one indeed, and it is a standard which in only a few instances is neglected. It is very largely due to the existence of this feeling that the Government and the Opposition find it possible to work in harmony together on necessary occasions. The feeling that actuates the members of the Lower House is that they are not concerned in furthering their private interests, but in helping forward the general interests of the nation. Whatever may be the views of private individuals, the government of the country has to go on; and to bring about this result in the best possible

way is, in the majority of cases, the honest endeavour of all members of the Lower House.

7. Nothing should be of greater interest to the mass of the community than the preservation of a thoroughly high tone in public affairs. Just as the loss of his good name is the greatest misfortune from which any man can suffer, so it is a calamity to a nation when the conduct of its public affairs falls into contempt in the eyes of all honourably-minded men. There is a great deal more implied in this matter than the mere question of sentiment. Sentiment and honour, no doubt, appeal in the present day, to far fewer people than they did in previous generations; and interests of money have in a great measure taken their place.

8. But to put it on no higher ground, a corrupted public service will endanger the credit of the community; will lessen the restraining influence of the law; and will sooner or later kill all feeling of security. Even if we are only able to comprehend the matter from this purely monetary side, let us remember that it is to our material advantage to do everything we can to keep our public men free from temptation. But it is better, if we can, to take a higher position, and to remember that the honour of an empire depends upon the honour and good feeling of its citizens.

9. It was said in an earlier chapter (see p. 120) that one result of the absence of the sovereign from meetings of the Cabinet had been to help on the development of the idea of ministerial responsibility. The Cabinet itself being directly under the control of Parliament, it follows as a matter of course that those

who compose the Cabinet are subjected to the same control.

10. But this phrase of ministerial responsibility can be used in another sense as well. It may be taken to mean the standing or falling together of a Cabinet, which obviously could not have occurred in the days when cabinets were composed of politicians of different ways of thinking. Before the members of a Cabinet were all drawn from one party, they occupied a position which was almost independent; being concerned merely with the carrying on of the business of their respective departments; and overlooked by little but the general superintendence of the Crown.

11. The absence of the king from their meetings, and the fact that before long they all came to be drawn from the same side, brought about the results now obtaining, viz. that each is affected by the action of the others; that they pursue, by agreement, a common policy; and that the censure of the High Court of Parliament upon this policy involves the resignation not only of the minister who has proposed the policy, but of the whole of his colleagues as well.

12. There is yet another sense of the term Ministerial Responsibility which has to be noted and explained. This is the purely legal sense; and is the one affecting the exercise of the royal prerogative (see p. 124). Each minister of a Cabinet is legally responsible for every act of the Crown in which he takes part. For acts of the Crown, in order to be legal themselves, must be done through some minister, or under some seal which is in the keeping of a minister. To every public document signed by the Crown, the counter-signature of some Secretary of State has to be added,

and the minister must answer for what the Crown has done.

13. The Secretary of State, who thus takes part in giving expression to the royal will, is not only "legally responsible for the act in which he is concerned; but he cannot get rid of his liability by pleading that he acted in obedience to royal orders" And if the act should in itself be illegal, the minister at once becomes liable to civil or criminal proceedings in a court of law. So we get once again round to the central point of our system of government—the inevitable supremacy of the High Court of Parliament in every question of State. Behind ministerial responsibility lies legal liability; and legal liability derives its authority from the fact that it is set on foot and supported by the High Court of Parliament.

1. *Contingency.* Unforeseen occurrence.

4. *An arbiter.* A judge.

5. *The co-operation of the Opposition with the Government*

The following extract is taken from the *Standard* of 10th August 1894:—

"A very pleasing incident marked the proceedings in the House of Commons yesterday. Mr. Morley, who is never more happy than when he has an opportunity of playing a gracious part, brought in a bill extending the powers of the Congested Districts Board for Ireland, and in doing so observed that it was approved by the leader of the Opposition. Later on, after the formal request had been granted with the heartiest goodwill of both sides of the House, when the Speaker asked who were prepared to bring in the bill, came the simple answer from the Chief Secretary, 'Mr. Arthur Balfour and myself'—a reply which was received with kindly laughter from all quarters. The incident was not, in itself, of any special significance. But it illustrates a truth which the wild partisan temper is very apt to forget. There is a field in

which statesmen representing antagonistic policies can unite. It is to Mr. Morley's credit that he sought the co-operation of Mr. Balfour, and it afforded Mr. Balfour, we doubt not, sincere gratification to be associated with the Chief Secretary in recommending to Parliament a proposal intended to facilitate the continuance of the work which he initiated when he was responsible for Irish affairs. It would be idle to hope for any large infusion of this friendly spirit into the general conduct of affairs. If there were no fundamental differences of opinion, there would be an end of party government. But even in contentious matters much might be done to reduce the occasion of friction by a cultivation of the sentiment displayed in the arrangements made for the Congested Districts Board Bill."

C.—THE JUDICIAL SYSTEM

CHAPTER XXXVI

JUSTICE (1)

1. One of the things most necessary for a community is to have a well-arranged system for the administration of justice. It is of little use to secure a central assembly which shall pass good laws unless there exists at the same time a means for providing that those who wilfully break these laws shall meet with their just punishment.

2. It is unfortunate that the obeying of the law is a habit quite foreign to the natures of some people; and though there is reason to believe that in this respect the modern communities have advanced beyond those of ancient times, yet a strong machinery of

enforcement is always needed ; and, as a rule, is always busily occupied.

3. The infliction of punishment, however, is not the only function of the courts of law. Citizens will frequently enter into disputes between themselves ; and however much the mere existence of such disputes may be regretted, it at any rate marks an improved state of civilisation when their settlement is dependent upon the decisions of specially trained and learned men.

4. In former times, the litigants attempted to



decide matters by the issue of a personal conflict. This custom, known as *Wager of Battle*, had been introduced into England by the Normans, to supersede the still ruder methods of *Compurgation* and *Ordeal* which they had found existing among the Anglo-Saxons. In *Compurgation* that man won the day who could bring most witnesses of import-

ance to support his statement. Ordeal consisted in an accused person attempting to do impossible things, such as to handle or to walk upon red hot iron without burning himself. It was thought that if he were innocent, he would escape unhurt; but an even more transparently simple method was to bind him hand and foot, and to cast him into deep water. If he sank, he was said to have been innocent; but if he swam, he was guilty; and then, being hauled to shore, he was put to death in some other manner.

5. Compurgation was abolished under Henry the Second (1154-1189), but Ordeal lingered until 1210, and Wager of Battle was regulated in 1285; though, as a matter of fact, it was not actually done away with until 1819. But in Henry the Second's reign the first great step was made; the courts of common law were put on a firm and definite basis, and a system was introduced that was both sensible and fair.

6. When once a strong central government was established in the land, which was one of the results of the Conquest, the idea of justice was that it centred round the person of the king; and in the reign of Henry the First (1100-1135), we begin to get traces of a regular staff of clerks and officials attached to what was called the *Curia Regis*, or Court of the King; a body composed of certain members of the permanent council.

7. This court, which always attended the kings in their progresses through the country, was largely concerned with the business relating to all matters of taxation; but it also acted as a supreme court, to which suitors who were not satisfied with the decisions of the various local courts could appeal. There were besides

many important persons in the country who were too powerful to be subjected to the discipline of the local courts; and if any of them were made parties to a suit at law, this *Curia Regis* was a court which they could be compelled to attend.

8. The business coming before this new court grew speedily to such an extent that the number of judges was greatly increased; and before long the one court



OFFICERS RECEIVING AND WEIGHING COIN AT THE EXCHEQUER (1080-1174)

fell into three, while its appellate jurisdiction was taken away, and transferred to the full body of the Great Council. Of the three divisions, the first was known as the *Court of Exchequer*, which retained the financial business and settlement of matters relating to taxation which had originally belonged to the *Curia Regis*—that is to say, it settled disputes between Crown and subjects; the second was the *Court of Common Pleas*, which dealt with civil quarrels between subject and subject; and the third, the *Court of King's Bench*,

which dealt with all the business, both civil and criminal, that had been attended to by the original *Curia Regis*, but which had not been handed over to the Exchequer or to the Common Pleas."

9. After remaining separate for nearly 700 years, these three courts were again merged into one; and became the Queen's (or King's) Bench Division of the High Court of Justice.

10. The transference by Henry the Second of the appellate jurisdiction to the whole body of the Great Council indirectly gave rise to another court, and added to the power of a great legal official. When the king was absent from the meetings of the council, it was presided over by the *Chancellor*, who was the head of the king's secretaries and chaplains, and keeper of the king's great seal. This office of chancellor first appears in the time of Edward the Confessor (1042-1066); and though, in the days of the Norman kings, he was subordinate to another official known as the Justiciar, yet when once the council began to exercise appellate jurisdiction, his power rapidly increased.

11. In 1348, the *Court of Chancery* was formally established, and an ordinance gave special authority to the Chancellor; the consequence being that through the remaining years of the Middle Ages there were ceaseless conflicts between the three courts of common law and this newer court. But from the time of Charles the Second the system on which the court was administered acquired additional powers, until, under George the Third, it reached its zenith. Its present position will be described below.

11. *Zenith.* Highest point.

CHAPTER XXXVII

JUSTICE (2)

1. Now we have to trace the relationship of the various courts of law, and to see how they are affected the one by the other. There is no longer the primitive system in existence by which appeals lay from the three courts of common law to the Great Council, or to the Court of Chancery, when that court had succeeded in usurping the functions of the Council. By an Act which was passed in 1873, there was called into existence a *Supreme Court of Judicature*; and this Supreme Court is divided into two branches. The lower is known as the High Court of Justice; the higher, as the Court of Appeal. The High Court of Justice consists of three divisions, and comprises the Queen's Bench Division (in which are incorporated the three old common law courts), the Chancery Division, and the Probate Division, which deals with disputes arising over legacies and wills.

2. If the litigants in any of these divisions are dissatisfied with the result of their suit, the right of appeal can still be exercised; and they take their case to a court known as the Court of Appeal, which is presided over by certain of the senior judges. This Court of Appeal and the High Court of Justice together go to make up the lower branch of the judicial system; and are known by the general name of the Supreme Court of Judicature.

3. The higher branch consists of the Final Court



For the
the

of Appeal, *i.e.* the House of Lords itself (see p. 130). The diagram in the Appendix will serve to make this grouping clear and intelligible to you.

4. Remembering that the Lord High Chancellor is the head of the whole system, we have next to learn how the other judges are appointed to their posts. In the first place, it is not usual for litigants in any of the courts of law to plead their causes for themselves. They may do so if they like; but as the law is a complicated matter, and can only be properly understood by those who have made a special study of it, it is far better for them to employ the services of certain persons called *barristers*, who are men specially trained to undertake the conduct of cases through the courts.

5. Certain of these barristers, when they have had a good many years' experience, and have proved themselves capable and reliable men, are appointed by the Crown to the important position of being Queen's (or King's) Counsel; and when a new judge has to be made, it is from the body of Queen's Counsel that he is chosen. Formerly, the judges were little more than the abject servants of the Crown. They could be dismissed from their posts at the king's pleasure, and incurred disgrace if they decided cases in a manner contrary to his wishes. Richard the Second (1377-1399) threatened the bench with all kinds of punishment if they refused to give an opinion which he desired; and James the First (1603-1625) compelled them to make submission to him on their knees for not complying with certain of his requests. On this occasion Sir Edward Coke, the Chief Justice, was the only one who stood out against the king, and he was in consequence dismissed from his post.

6. The real independence of the bench was not secured until the *Act of Settlement* (1701), by which it was established that the judges should, for the future, hold their office not during the king's pleasure, but during good behaviour (*quamdiu se bene gesserint*), and that they could only be removed upon the address of both Houses of Parliament.

7. The office of a judge is a very high and important one, and one to which the greatest respect is deservedly shown. As the Crown is itself the source of justice, and as in bygone days the king used to sit in court, and decide on all cases, so the judges are the immediate representatives of the sovereign. They are, therefore, paid almost royal honour when they go on circuit through the country; and are treated with the greatest deference in their courts. In addition to this, they are the outward representation of the great principle upon which the whole government of the country rests; the fact, that is to say, that the High Court of Parliament possesses the supreme sovereignty in the land.

8. The question of an accused man's innocence or guilt is decided by a jury of twelve of his fellows, and the duty of the judge is to administer the law in accordance with their finding. He will also have to instruct the jury on "points of law," or questions of a nature too technical for them to understand. And he will see that the whole case is properly conducted, and that no unfair advantage is taken by either side at the expense of the other. The possession of absolutely fair and impartial minds, taken together with great learning and wide acquaintance with the intricacies of the law, make the English judges some of the most distinguished of our citizens.

CHAPTER XXXVIII

THE INFERIOR COURTS (1)

Petty Sessions and the County Court

1. There are many other courts of law in existence besides the superior ones included in the Supreme Court of Judicature; and the two that next claim our attention are those that go by the names of *Petty Sessions* and of the *County Court*.

2. To take *Petty Sessions* first, we find that in arrangement, or at any rate in idea, it dates from as far back as the reign of Henry the Eighth. It chiefly concerns itself with minor criminal matters; and very rarely with civil offences; and in this we can clearly see a trace of its descent from the Hundred of Anglo-Saxon days. The origin of the hundred has been a matter of much dispute; but the most reasonable theory connected with it is that which makes it an association of a hundred people for the purposes of justice and of police.

3. The magistrates presiding over *Petty Sessions* are *Justices of the Peace*, who are appointed by the Crown, and who receive no remuneration for their services. They are usually gentlemen of high position in the county. The graver criminal cases that come before them are not decided at *Petty Sessions*; but after full preliminary examination, are committed for trial at the *Quarter Sessions*, of which we shall read presently. But the smaller criminal cases, such as

offences against the bye-laws of a railway, common assaults, or trifling wilful damage to property, are dealt with there and then at Petty Sessions; the result being arrived at by the decision of the majority of the magistrates sitting on the bench. The appeal from the sentence of Petty Sessions lies to Quarter Sessions, just as in the old days the verdict of the Hundred Court could be overruled by the Shire Court.

4. Next with regard to the County Court, we have to avoid falling into the mistake of thinking that it exactly represents the old Shire Moot. In reality, it only corresponds to a portion of the older assembly. In order to obtain the full legal equivalent of the Shire Moot, therefore, we must take *Quarter Sessions* as representing its judicial side, and the *County Council* as representing its administrative side.

5. County Courts are very much smaller than counties or shires; and this is plainly shown by the fact that there are some five hundred county court districts in England and Wales. They take their name, not from the *area*, but from the *nature* of their jurisdiction. To put it broadly, we may say that just as Petty Sessions look after small criminal matters, so do County Courts deal with small civil cases.

6. We must not, however, think that they have come straight down from the Hundred Moot of Saxon times. Those Hundred Moots decayed, and were superseded by the Sheriffs' Monthly Court, which in its turn began to fare badly when the sheriffs fell into disgrace in the reign of Henry the Second. Owing to a combination of causes, the monthly court degenerated still more and more; until, in the seventeenth and eighteenth centuries, there seems to have

been no place in which a man could sue for a small claim, except at the Assizes themselves (see p. 171).

7. Towards the end of the eighteenth century, therefore, some attempt was made to meet the obvious want by establishing *Courts of Request* in various parts of the country; but these were not found particularly serviceable; so in 1846 they were all swept away, and the present County Court system was called into existence.

8. The County Court is presided over by a judge, who is a barrister of not less than seven years' standing, and is appointed by the Lord Chancellor. He takes charge of a *circuit*, that is to say, of a group of county courts, arranged according to area and population. The five hundred County Courts are administered by fifty-five county court judges. But each individual court has a *Registrar*, an officer who conducts the clerical business of the court, and who must be a solicitor of five years' standing, appointed by the judge, and approved by the Lord Chancellor; and a *High Bailiff*, who carries out the orders and proceedings of the court.

9. The County Court disposes only "of small disputes between one citizen and another. It does not deal" (like Petty Sessions) "with the punishment of offenders by the State."

8. *Clerical business.* The work done by clerks and book-keepers.

CHAPTER XXXIX_a

THE INFERIOR COURTS (2)

Quarter Sessions

1. It is when we come to deal with *Quarter Sessions* that we find ourselves confronting the present form of the judicial powers of the old Shire Moot. Formerly that power had been largely exercised by the sheriff, the king's representative, one of the three officials who presided over the whole assembly (see p. 48). But as the importance of the sheriff waned, his judicial power passed largely to certain other persons known as Justices of the Peace.

2. Originally, however, they exercised no judicial authority at all; and even when they did, it was only in their corporate capacity. They seem to have been appointed, in the first instance, to enforce the carrying out of the oath of peace which the Archbishop of Canterbury laid upon the land in the reign of Richard the First. Afterwards, they were elected in the Shire Court; but at the beginning of the reign of Edward the Third they were nominated by the Crown. This is the system that now holds good, the Crown appointing on the advice of the Lord Chancellor, who acts on the recommendation of the Lord Lieutenant of each county. But an alteration has been lately introduced by which the attainment of certain offices, such as chairman of the district council, will necessarily make the holder of those offices a Justice of the

Peace. But a Justice can act only during the Crown's pleasure; and his name can at any time be struck off the roll.

3. From the days of Edward the Third, then, to our own times, Justices of the Peace have been among the most important officials of the kingdom. The care of nearly all matters concerning the country-side came into their hands; beginning with the remedies for the disasters brought about by the Black Death (1348-49), going on to the administration of the poor law of the Tudors, and developing into the control of all matters of local self-government.

4. By the establishment of county councils, however, in 1888, the administrative part of the justice's duties has been transferred to those bodies; and the Quarter Sessions, which is the name given to their quarterly meeting, is now concerned almost exclusively with work of a judicial kind. This work, to put the matter very briefly, falls into two great groups—*Appellate*, that which is concerned with the hearing of Appeals from Petty Sessions; and *Original*, when the court is "concerned with the trial of those crimes which are deemed too serious for disposal by a court of summary jurisdiction; but not serious enough to demand trial by Judge of Assize."

5. It will be convenient at this point to call attention to a feature of our system of government which is shown nowhere more clearly than when we are dealing with the lesser courts and with popularly elected bodies. Although the English people have always displayed a marked preference for elective bodies, they have, as a rule, been equally careful to restrict such bodies to the work of administration.

6. The reason is not far to seek. A body dependent for its existence upon popular election is never permanent in its nature; for there is no guarantee that, after a lapse of time, it will continue to represent the feelings of those who have elected it. Its members, moreover, may often be lacking in the power of carrying out the ideas of those whom they represent.

7. It has been found necessary, in every scheme of representative government, to secure that the executive shall rest, as far as possible, in the hands of permanent officials. How this is effected in the case of the central government has already been shown (see p. 132). And this invariable rule runs through every one of our English institutions, that those who do legislative or administrative work are *elected* by a more or less popular suffrage, and receive no pay; while the executive or judicial officials are *appointed* without the popular vote, and receive pecuniary return for their services.

CHAPTER XL

THE JURY SYSTEM

1. Reference has been made in an earlier chapter to a very important class of officials, whose position is illustrative of the connection between the central government and the local administration. These officials are the stipendiary magistrates, who preside over the police courts; and whose help and advice is

always put freely at the service of the poor. They have not only certain powers of summary jurisdiction, as, for instance, when dealing with the smaller charges of theft or assault, but are constantly appealed to in all cases of difficulty or distress. The record of an ordinary day's work of a London police magistrate will illustrate more clearly than many pages of description how invaluable are the services that they render to the community

2 There are certain other officers of whom some mention should be made; and these are the *Coroners*, who were first appointed so far back as the year 1194; and whose duties, as their name implies, were largely to safeguard the interests of the Crown. Yet the Coroner was never appointed directly to his office by the central authority, but was always elected by the free men of the district over which he had to preside. His election is now in the hands of the county councils; but the control of the central government is shown by the fact that he can be removed from his office by the Lord Chancellor if occasion demand

3. The principal duty of a coroner is to hold an inquest or inquiry in all cases of sudden death, or in such other cases where there may be the least suspicion of foul play. By strict law, too, he ought to hold similar inquiries in cases of housebreaking; though, as a matter of fact, this practice has long since fallen into disuse.

4. The method of a coroner's inquiry is one that is full of interest; because in it is employed one of the most ancient and famous institutions of our land. He is assisted in his deliberation by a *Jury* of

"good and lawful men," who must not be fewer in number than twelve, or more than twenty-three; and by the verdict of this jury the cause of the death is determined. The Coroner aids the jurymen in their decision by explanation of points of law; but does not otherwise influence the decision at which they may arrive. If the jury declare that murder or manslaughter have been committed by any person, it then becomes the duty of the Coroner to cause the arrest of that person; and to commit him for trial at a higher court.

5. The origin of the jury system has been widely debated; some scholars holding that it was devised by Alfred the Great; others that it has come down from the ancient Britons; and others that it has been bequeathed to us by the Canon Law. For criminal cases, the earliest trace of the jury seems to be found in the laws of Ethelred (979-1016), where "twelve senior thanes" are sworn to "accuse no innocent man nor conceal any guilty one."

6. But the Petty Jury did not exist in Anglo-Saxon times; and came to us from the Normans, who made use of twelve men in each county to give evidence on oath as to certain information wanted by the king. Thus the great records of Domesday (1085) were compiled from the reports given by men chosen in each district; and William Rufus and Henry the First both employed this system when they were assessing the land for taxation.

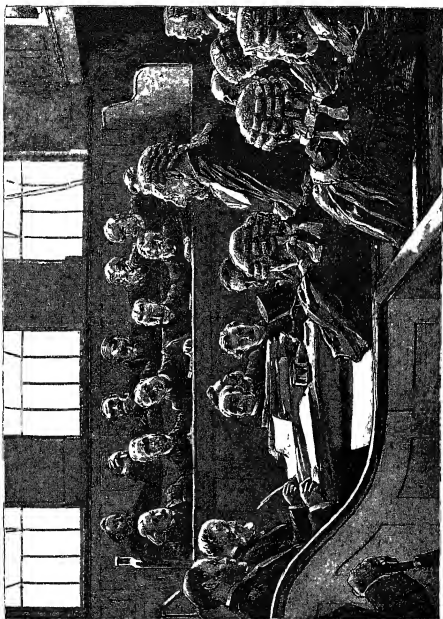
7. Henry the Second, however, developed the idea very largely; and began to employ it for judicial as well as for taxative purposes. If the possession of any man's freehold were disputed, he might refuse to

employ the system of trial by battle (see p. 153), and claim to have the question tried by twelve knights of the vicinity, who were to decide on oath which of the disputants had the best claim.

8. The famous thirty-ninth clause of *Magna Carta* (p. 94) put the matter on a still firmer basis; and secured the right of every free man to be pronounced guilty or declared innocent by the verdict of his fellow-citizens. But the function of these early juries was, in one important respect, quite different from those of our own day. They were really the witnesses of fact; and came to their decisions, not from judgment of any evidence brought before them, but from their own previous knowledge of the case.

9. But by degrees it was found that very often they did not possess much actual knowledge; and in the reign of Edward the First, the custom arose of adding to their number such other persons as were familiar with the facts. Gradually these added individuals turned into a body of sworn witnesses, who merely gave evidence, and did not decide whether the accused was guilty or innocent; while the first jury at the same time confined themselves to being judges of the evidence so put before them. In the course of some three hundred years, that is to say, by the time of Mary (1553-54), it had come to be recognised that the jury should know nothing of the case beforehand; and should enter upon its consideration quite unprejudiced.

10. We have seen already that the jury system is employed in its simplest form at a coroner's inquest. It is also required in all criminal cases dealing with capital offences; in the majority of the other criminal



COUNSEL ADDRESSING THE JURY

cases, and in many civil questions as well. The arrangement at present followed in criminal matters is for two juries to exist side by side, the Grand and the Petty. The Grand Jury hears the evidence against an accused person, and determines whether it is sufficiently strong to put him on his trial. If they think that it is sufficient, the actual trial is undertaken before the Petty Jury, upon whom the responsibility of the final verdict lies.

11. A word should be said as to the arrangement of *Assizes*, by which the legal machinery is made to work more smoothly and expeditiously. It is obviously impossible for all questions in dispute all over the country to be sent up to London for decision at the Courts of Justice there. Certain of the judges, therefore, at certain times of the year, go on long circuits throughout the country, and at the most important cities and towns they hold their courts, before which all matters, whether civil or criminal, can be tried.

12. Assizes, therefore, have nothing to do with the arrangements of local government, but are no less than the central government itself setting its machinery to work in all parts of the country for the greater convenience of the citizens

2. *Coroner* From the Latin, *Corona*, a crown.

5. *Canon Law*. A body of rules or laws specially belonging to ecclesiastical affairs.

D.—EXECUTIVE GOVERNMENT

CHAPTER XLI

THE DEPARTMENTS OF THE STATE

1. Although the making of laws is a very important part of the duties of a Government, there is another task which is quite its equal in necessity. This is the work of carrying out, or putting into effect, the laws which have been agreed upon by the wise men of the community ; and, still further, the enforcing of obedience to these laws if any persons in the State are guilty of breaking them.

2. But these two functions of executive government should be clearly distinguished from one another. Their work is undertaken by quite different bodies of men ; and the method of procedure is different as well. If laws are directly broken by being violated, or indirectly broken by not being observed, then the judicial system comes into play, and punishments or penalties are inflicted at the hands of the judges or magistrates of different degrees.

3. But if it is a question of administering the law—that is, of helping the people of a country to keep and obey the laws that their Parliament has agreed upon—then we have to do, not with any system which punishes, but with a system which administers or assists.

4. In olden times, all this work of help was carried

out by the king himself, or by the small body of advisers and officials who were round the king. But as soon as states began to grow, and the people increased in numbers, it was impossible for the king to see personally to every piece of business that arose; and the task of undertaking the administration of the law was therefore handed over permanently to certain officials, or to certain bodies of officials; and by such bodies of officials the task is carried out at the present day.

5. But just as, in the olden days, those persons who were entrusted with the administration of the law looked to the king as the source from whence they drew all their authority (because the laws which they administered came from him as being the source of justice), so now the bodies of officials look to Parliament, because that is the source from whence *they* draw *their* authority.

6. These bodies of officials are called Departments; and a department has been organised and arranged for every interest that affects the welfare of the country. They are divided into certain groups, some of which are divided again. At the head of each great group is a high official known as a Secretary of State, who is a member of the Cabinet, and who changes with each successive Government. But as it would be impossible for the work of the department to go on properly if its staff were changed with every fluctuation of popular opinion, the Secretary of State is the only one who holds his office temporarily; and the great mass of clerical work is carried on by a large staff of permanent officials.

7. These permanent officials are people who are,

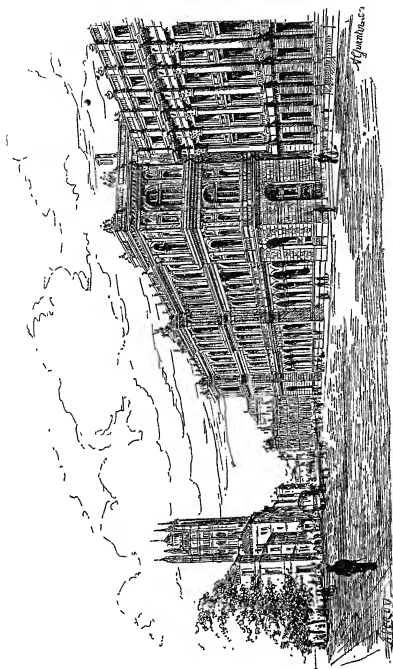
to all intents and purposes, unrecognised by the outside world. Their names are unknown to the vast majority of people; and they never appear at all before the public eye. But it is by them that the actual work of the administration of the law is carried out; and the very fact of their privacy is one of the chief reasons why their work is done so well.

8. The Secretaries of State, however, as being Cabinet ministers, and as such being well known to the mass of the people, are the outward representatives of the administrative departments. And an examination of their titles and functions gives the best clue to the arrangement of this part of the work of government. Prominent among them is the Secretary for Foreign Affairs, who, at the head of the Foreign Office, has to deal with all matters relating to the existence of the empire as one of the great countries of the world.

9. The Secretaries for India and the Colonies in like manner look after all questions affecting those portions of the globe which specially belong to our nation; while the Secretary of State for War and the First Lord of the Admiralty deal with the two great branches of the national forces by which our empire is held together.

10. The Home Secretary deals especially with matters relating to England; and as there will obviously be a greater quantity of work in connection with his department than in connection with any of the others, we find that it is divided to a greater extent than are the rest; and that many matters are put in the hands of sub-departments, over which, however, the Home Office exercises a general control.

11. Thus the Home Office looks directly after all



THE FOREIGN OFFICE

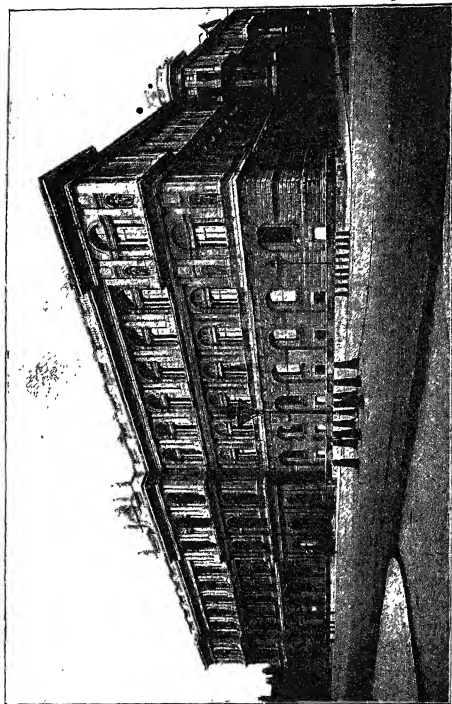
matters concerning prisons and police, and all the system which is concerned with the observance of the law; while the Board of Trade, the Board of Agriculture, the Post Office, the Education Department, and so on, take over from the Home Office the detail work specially indicated by these respective names.

12. So, in much the same way, there are offices concerned with the matters that relate purely to Scotland and to Ireland; and then last, but by no means least, comes an office more general in its scope than any of the others, because it is the one that undertakes the task of collecting all the money needed for the carrying on of the affairs of the country, and also apportions to each of the great departments such share as it may be entitled to receive of the general sum paid in.

13. It would clearly be impossible for each individual tax-payer to send up so much for the use of the War Office, so much for the use of the Home Office, and so much for the use of something else. The Treasury therefore undertakes for the Government very much the same work that is done by the counting-house for a great warehouse or place of business. Into the Treasury all the taxes collected throughout the country are poured; and by the Treasury the expenses of carrying on the Government are paid.

14. Taxation is either direct or indirect; the former in bygone days fell almost entirely upon the land; but its place is now taken by the land and house tax, which brings in at the present day something over three millions of pounds a year.

15. The income tax, which has only been imposed for the last hundred years, takes a considerable per-



HOME AND COLONIAL OFFICE

Plaza, Telford & Sons, London

centage of the earnings of those who are subjected to it; but as every one is exempt whose income is less than a hundred and fifty pounds a year, the majority of the nation is not touched by it at all. Very heavy taxes are also now levied upon the value of the estates, whether in land or money, which a man leaves after his death to his children or successors

16. Indirect taxation consists of the addition of small sums to the value of certain articles imported from abroad or duties on certain articles manufactured at home, but the sums are so small, and they are spread over so many people (because, unlike direct taxation, they affect every one in the State) that though they bring in a considerable annual sum, yet their pressure is hardly felt by any individual.

17. Two other sources of revenue to the Government are to be found in places which people often overlook. The post office yields now yearly three millions of pounds a year; and the stamp duties bring in a considerable sum as well. The total income of the United Kingdom, if divided among the population, does not represent a very extravagant payment per head; but the present system of arrangement is not entirely satisfactory; and certain sections of the community are very hardly dealt with, while others escape almost entirely free.

CHAPTER XLII

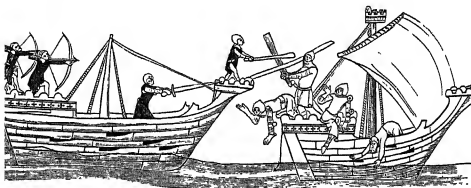
THE COUNTRY'S YEARLY BILL

1. Have you any idea of how much these monies amount to, of which the Treasury has the handling? They come, in each twelve months, to something like *ninety millions of pounds*. Yet these vast sums are collected from the country with the minimum of inconvenience to those who pay them; and the needs of carrying on the affairs of the State require that nearly every penny should be used. Let us think now what the causes of this expenditure may be.

2. The first and greatest need of any nation is, of course, that it may be able to exist in peace and quiet, and to carry on its own work and own affairs. This involves the possession and support of certain bodies which will undertake the protection of the country and the property of the citizens when any foe may happen to attack them. We, as citizens of the British empire, are, of course, in a curious position as compared with the citizens of other empires. The United Kingdom consists of two comparatively small islands, whose greatest defence will always be the ocean that surrounds them; but the empire itself is scattered in every portion of the globe, and our interests of defence are by no means limited to the Atlantic and the North Sea.

3. This fact involves two consequences—firstly, that we can do with a very much smaller army than any other empire in the world of equal size and im-

portance, but, secondly, that it is absolutely necessary for us to possess a navy to which no other power can approach. A considerable portion of the money, therefore, raised by taxation, is spent upon the army and the navy; but no sensible man will ever grudge one penny of their cost. It would no doubt be an excellent thing if war were abolished altogether; and if the necessity for armaments were done away. But so long as human nature remains what it is, so long will there be, every now and then, quarrels between nations and empires, as there are perpetually quarrels



SEA FIGHT: EARLY FOURTEENTH CENTURY.

between individuals. The maintaining of an army and a navy does not imply that we desire them for aggressive purposes, but only for purposes of defence if need should arise. But for a nation to try to exist without them would be like a man who declined to bolt his doors and windows at night, and then complained next day because thieves had come in the dark and had taken his property.

4. After the primary necessity of paying for our defences in order to secure our existence, we have to meet the expenses of the administration of the Govern-

ment. This is an expenditure as needful as the first ; and is incurred under whatever form of government a country or state may be ruled. In those countries where standard of honour among public men is with difficulty maintained, there are vast additions to the public expenditure brought about by the corruption and dishonesty of officials ; but this is an evil from which our own country is happily almost altogether free. The Army, Navy, and Government Departments altogether take, in round numbers, sixty-three millions.

5. Still this only accounts for a little over two-thirds of the whole. To understand how the rest is spent, we must try to take in something about a cause of expense which is very often spoken of, but, as a rule, very little understood. It often happens that in the time of a great war, a country, being put to very heavy expense, cannot possibly meet all its liabilities in each year. Under such circumstances, the Government appeals to the people of the country, and asks them to lend their money to the State.

6. This, you see, is a very different thing from merely contributing to the State a small amount by way of a tax. Suppose, under ordinary circumstances, a man pays three pounds a year in taxes (and the great majority of people do not pay anything like so much as this), that man, when the Government wants to *borrow* money, perhaps lends all or a great deal of what he has put by. It may be a hundred, or two hundred, or a thousand. But whereas the tax is a *payment*, and does not come back to the taxpayer except in the form of the benefits he gets for it, this other larger affair is a *Loan* ; and the owner of the

money will not only have his capital returned to him after the lapse of a certain number of years, but the Government will pay him so much every year, as interest for its use.

7. Now the loans that the Government have raised from the country at various times amount to an enormous sum—very nearly *seven hundred millions of pounds*; and this great sum is known by a name which is doubtless quite familiar to you; it is called the NATIONAL DEBT. The greater part of it has been incurred by the mere need of keeping ourselves in existence as a nation. It began to assume large proportions about two hundred years ago, when, as you will read in your history books, we had to take the lead in opposing the aggressive power of France. This power, which had been fostered and developed by the policy of Oliver Cromwell in the seventeenth century, threatened England with very serious danger.

8. But the expense then, great as it was, was nothing to the cost imposed upon us at the beginning of the present century by reason of the insatiable ambition of Napoleon Bonaparte. The long struggle with him, which was not brought to an end until Waterloo, involved us in an expenditure of over eight hundred millions of pounds. Since then, in spite of another great war of forty years ago, the debt has been very considerably reduced.

9. It may seem a dreadful thing to have to furnish such vast sums of money for the mere purpose of keeping ourselves in existence. But it is a fact from the necessity of which we cannot get away; and it is better to provide such sums in cases of emergency than to let ourselves be involved in the much greater

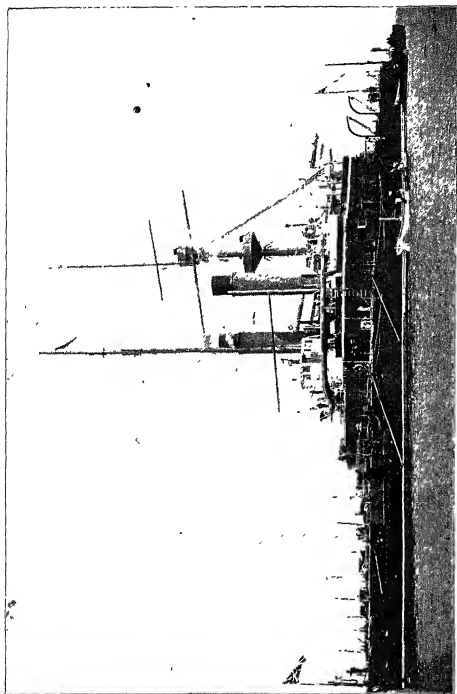


Photo of Albatross at sea, southeast.

U S S, ALBATROSS

expense of a national ruin. Of the yearly sums raised by taxation, twenty-five millions, then, are required for paying the interest on the capital of the debt.

10. When we have spoken of the defences of the country, the administrative expenses, and the national debt, we have dealt with the three principal heads of cost. Religious establishments, for example, do not, in the United Kingdom, derive any benefit from the money raised by taxation. About two millions are required to pay for the maintenance of the courts of law, the salaries of the judges, and the money granted to the Crown. These two millions, added to the others (sixty-three for the Army, Navy, and Government Departments, and twenty-five for the National Debt), go to make up the sum total to ninety millions a year.

VI.—THE DUTIES OF THE CITIZEN

CHAPTER XLIII

THE RIGHT AND DUTY OF VOTING

1. So far, we have spoken principally of the different parts of the system of government, and have tried to show how they affect every citizen of the empire, no matter what his position or degree. But you will remember that when, in one of the early chapters (p. 10) we were talking of the various rights that people might happen to possess, we said also that it was impossible for a *Right* to exist without its corresponding *Duty*.

2. And every now and then mention has been made of some one or other of the duties expected of citizens; so that it is necessary at this stage to consider them a little more in detail, and to try to realise what exactly is demanded of us in return for the rights of citizenship that we all possess.

3. Let us first of all take the question of *Votes*—a useful and instructive example to begin with, because it illustrates better than any of the rest how intimately rights and duties depend upon one another.

4. We have said that it is by reason of the privilege

of voting that each individual citizen, under a system of representative government, is brought personally into contact with the central administration of his country; and that by the accumulation of such votes the wishes of the body of citizens can become known, and the making or the administering of law seriously affected.

5. We look therefore upon the power of voting as a *Right* to which we are entitled, because we say that, as free citizens, living under such a system of government, it is proper and fitting that we should have a share in the conduct of public affairs.

6. But what we are very apt to overlook is the fact that Right and Duty are correlative terms, and that although we may be perfectly well entitled to the exercise of this right, yet we can never avoid the duties that such an exercise imposes upon us. We may, it is true, escape these duties by omitting to record our votes; but the obvious result will be that, in such a case, we shall lose our rights as well.

7. Now, the duties attaching to vote-giving may be classed under two heads: Duties towards ourselves, and duties towards the State. We owe it to our own self-respect that we always give our votes honestly, in accordance with our own actual opinions; and that we neither sell our votes for money nor use them in such a way as to try to gratify our personal enmities. The days have gone by when votes were bought and sold, openly at any rate; and the stringent regulations of the *Corrupt Practices Act* have made it almost an impossibility for candidates to be tempted by the dishonesty and servility of the electors

8. But an indirect bribery none the less may exist:

which perhaps is all the more insidious because it can be easily concealed. A voter who allows himself to be persuaded that by the giving of his vote in a certain way he will be injuring or annoying some one whom he looks upon with a jealous enmity, betrays entirely the trust that attaches to the power of vote-giving. He is as unworthy of the name as he is unworthy of the privileges of a citizen.

9. No matter what the kind of vote may be, whether for a local government body or for the more important function of a parliamentary election, it should be remembered that there is always belonging to it a special end or aim; and it is this aim that ought to be considered, and not the personal gratification of the wishes of the voter. In fact, when personal considerations come into play it follows, in the majority of cases, that the vote-giving is not properly performed.

10. Although this principle holds good under any representative system, it is more especially the case when government by party has been established in a land. For then the broad outlines of policy are clearly defined and easily seen, and the personality of the candidate is not nearly so important as the principles which he declares himself ready to support.

11. Supposing, then, that of two parliamentary candidates one favoured a line of policy which was admittedly for the benefit of the majority, but the other, ignoring such general policy, appealed to the prejudices of the locality, and held out to the electors flattering hopes of personal advantages to be gained by his return, an elector would betray his trust and neglect his duty who supported the latter, and let the

policy that he knew was for the benefit of the majority pass by unheeded.

12. Party spirit and party government, then, have this distinct advantage in their favour²—that for the greater number of electors they put things in a plain and simple manner. They present to the citizens the decisions and opinions of the statesmen who lead the respective parties. It may be urged against them, on the other hand, that they involve a certain loss of individuality; and that their tendency is to make electors think and vote in a flock. But no human arrangement exists which can be regarded as faultless, and a compromise is usually the best result that can be obtained. Some such compromise seems to exist in connection with the arrangements of party government. The solidity of parties is secured, and individual freedom of action is not altogether destroyed.

6. *Correlative.* Having a reciprocal relation.

CHAPTER XLIV

RATES AND TAXES

1. Every man is confronted with the necessity of providing for the wants of his existence. He must have food, or he will not be able to live; he must have a home or some place to shelter him from cold and wet; and he must have clothes to wear in order to protect his body from harm. If he has others dependent on him—a wife, children, parents, or sisters—it is necessary for him to remember their needs as

well. A very large proportion of the money that he earns in the course of his life goes to supply these absolute necessities of life.

2. If he is a wise man he will never grudge the sums that he spends on food, or shelter, or clothes; because they form the actual basis upon which the possibility of his doing work depends. Of course this does not imply that extravagance is justifiable. A man earning a good wage has no right to spend two-thirds or more of it drinking in the public-house on Saturday afternoons or Saturday nights. A man may do what he likes with his own only so far as he does not injure the community at large; and an intemperate man is not only a trouble to his own belongings, but a nuisance and a danger to the State.

3. Now just as each individual requires the necessities of life, and ought not to grudge the proportion of his earnings that they absorb, so, in just the same way, a nation has certain obvious needs, for which all citizens should help to pay.

4. We have seen already how this income is derived from two sources—the monies drawn from particular districts for particular purposes being known as *Rates*, and the monies levied from the nation at large for national purposes being known as *Taxes*. We have also learned how the large sums so collected go to defray the necessary expenditure of the State; but what perhaps we have not yet realised is that something more than a duty lies upon us with regard to such payments. We have not only to pay them; we ought to pay them willingly as well.

5. In the first place, they are as needful for our existence as food, shelter, and clothes are for each

individual man Without a strong central government, and a sound system of administration, the whole State would fall to pieces; and life, if not absolutely impossible, would be futile and insecure. Without considerable local expenditure, the things that so deeply affect the details of the citizens' lives would likewise be unattainable.

6. Secondly, by reason of the expenditure being drawn from one common fund, economy is secured, and waste is reduced to a minimum. It is, of course, impossible always to avoid a spending of money that hardly tells for the common good; but the difference between the advantage of a central control over a nation's expenditure, and the disadvantage that would accrue were each district to pay everything by itself, is too great to be possibly over-estimated.

7. We should recollect, however, that nothing can be obtained in this world unless we give something in exchange for it, and no advantage can ever be obtained by the citizens of a State unless they are prepared to hand over some portion of their wealth (*i.e.* either of their actual possessions, or of their capacity for work) in exchange.

8. But this fact is one that nowadays we may perhaps be tempted to overlook. We call so many things "free," that we are apt to forget they have nevertheless to be paid for. There is, in fact, no such thing as any product or arrangement of mankind which is literally free. The only truly free things are the gifts of nature to human beings—light and air.

9. But when we speak of free education, free libraries, free museums, and so on, we perhaps do not

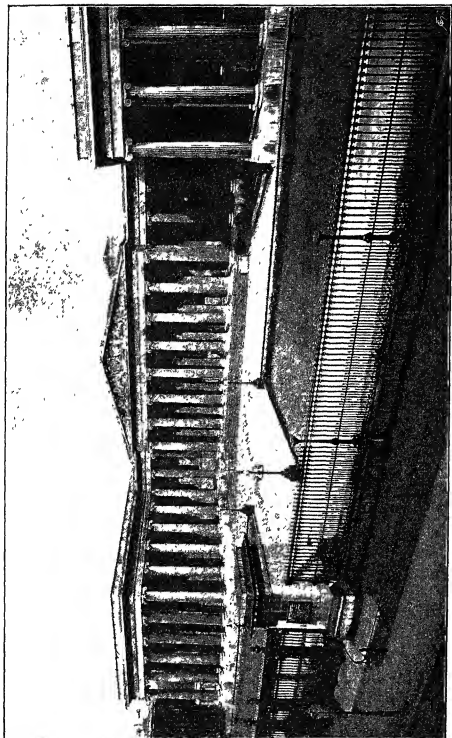


Photo. Valentini & Sons, Dundee.

THE BRITISH MUSEUM

remember that the expenses of keeping them up are defrayed out of the money collected from the citizens. The actual working of this is just the same, whether we take the case of a small free library, supported by a halfpenny rate upon a certain district, or the great national institutions, such as the British Museum, the South Kensington Museum, or the Royal Parks, whose expenses are met by grants from the income of the central government.

10. But as was pointed out when we were speaking of museums and art galleries before, the influence for good that they can exercise on the minds and characters of the citizens is so great, if only they are properly used, that the spending of our money in such a manner is wise and justifiable. That man is far more likely to be a good workman who lives in a clean and well-ordered house, in a district where proper precautions for the observance of the health are insisted upon, and where a library and museum can make him begin to realise that there are other interests and other experiences in the world beyond his own, than is the man who lives carelessly, and, being unconscious of his own ignorance, never attempts to break away from it. The rates of a country, properly and economically expended, may help to bring about such a result, just as the taxes, wisely spent, will secure the possibility of existence.



HYDE PARK

Photo Valentine & Sons, London.

CHAPTER XLV

PUBLIC HEALTH

1. It is an unfortunate fact, but one to which we cannot shut our eyes, that the nations of western Europe are not particular in matters of personal cleanliness. Many of the Eastern people, upon whom of late years we have conferred the blessings of civilisation, are far ahead of us in this respect. The Japanese, for example, would never think of going without their daily bath; and many of the native tribes of India are scrupulously clean in their personal habits.

2. But it is only quite in recent years that the builders of ordinary medium-sized dwelling houses have regarded bathrooms as forming one of the appurtenances of the house. And even now it is to be feared that in many cases where the bathroom has been so included, the tenants look upon it as a thing to be reserved for special days alone.

3. Yet, unless there is personal cleanliness, there will seldom be cleanliness of the home. A dirty woman will keep a dirty house; but one who has herself acquired a taste for personal neatness, will never tolerate an existence in the midst of untidy surroundings. Cleanliness, too, has a much greater bracing effect upon character than many people realise. A clean and tidy person must necessarily possess a considerable amount of self-respect; while agreeable personal habits make the individual proportionally

agreeable to his fellows. The perception of this fact, too, brings into play a regard for the feelings of others, and a desire to win their esteem, which are always important factors in mental training.

4. It does not in the least follow that we are to spend upon our dress or personal adornment sums of money which are out of proportion to our income. There is no harm in being shabby; because very often people are obliged to be so by reason of their poverty. But to be clean costs next to nothing, and is within the reach of all.

5. Apart from the sentimental aspect of the question, we have come to understand, in late years, that upon personal cleanliness depends, to a large extent, the health and wellbeing of the whole community. Dirty homes either breed disease or harbour it. Dirty people with difficulty repel attacks of illness, because their bodies are not in a healthy state.

6. There are two things that never do harm to any one—light and air—but they are things of which many poor people, in their homes, are absolutely afraid. There are two other things that rank only second to them—soap and water—but these many persons view with positive distaste.

7. Often, no doubt, much harm has been done in this direction by permitting working people to dwell in terrible hovels that were absolutely unfit for the habitation of any living being; and in all our big towns there are still far too many of such places in existence still. But during the last twenty years great steps have been taken towards providing dwellings built upon such sanitary principles that it is possible to keep them healthy, if *only the inhabitants will assist*

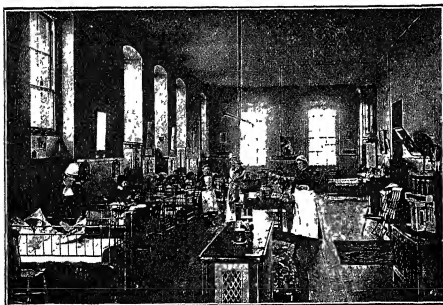
to keep them clean. Yet the fact of living in new and wholesome buildings does not in the least take away from the personal obligation of each dweller to cultivate cleanly habits. It, in fact, increases his or her responsibility; because then the excuse of abominable surroundings is taken away. The observance of the simple laws of cleanliness and health is by far the most important social duty that a citizen has to perform. And it is a duty whose neglect brings a frightful punishment in its train.

8. If, then, it is so incumbent upon every one, not only for their own sakes, but for the sake of their neighbours, and of the whole community, to do all they can to cultivate cleanliness when they are in health, how much more will not this duty press upon them when illness or sickness overtakes them? The conditions of life, which need careful watching and attention under the most favourable circumstances, have their difficulties increased a thousandfold when those circumstances alter for the worse. By far the greater part of the art of healing consists in keeping the sick body from the influences that will work evilly upon it, and in allowing the ordinary forces of nature to get some chance of performing their work. But how can this, in ninety-nine cases out of a hundred, be satisfactorily done if the sick chamber is perhaps the only dwelling-room of the rest of the family, and if the appliances requisite for illness are not to be found within it?

9. Clearly such a task is beyond the capacity of man; and therefore, when serious illness breaks out, no one should object to the sick person being removed to places where he can be properly tended and properly

cured. Wherein do you suppose lies the great good of hospitals? Surely in this fact, that the buildings themselves are scrupulously clean; that the ventilation is good; that the sick people get quiet and rest; and that they are nursed with the tenderest skill and care.

10. In the majority of cases, these are the things that do more good than many bottles of physic; and



A HOSPITAL WARD

they are just the things that people can seldom get in their own homes. In addition, then, to the duty of obeying the ordinary laws of health while we are well, in order, if possible, to ward off disease, this duty is increased a hundredfold when we are actually ill. We must remember that a temporary isolation, to which we may have to submit—good under any circumstances; imperatively necessary in infectious cases—

must be accepted as one of the incidents of a citizen's life. We are careless towards ourselves, and far more careless with regard to others, if we neglect precautions when there is no reasonable excuse for so doing.

2. *Appurtenances.* Things that appertain or belong to.

CHAPTER XLVI

EDUCATION

1. It is a common thing for people to look at education from a purely selfish point of view, and to regard it either as a stepping-stone for their personal advancement, or as a means of gratifying their personal vanity. But this is a degraded attitude to take up with regard to it, and one against which we ought carefully to guard.

2. We ought in the first place to realise that the acquiring of education means the acquiring of those kinds of knowledge which will be of especial use to us in our particular walk of life. Education is very far from being a mere amassing of knowledge and book learning. And if we can train ourselves to look at it from this proper point of view, we shall see that the purport of real education is to help us towards becoming useful citizens.

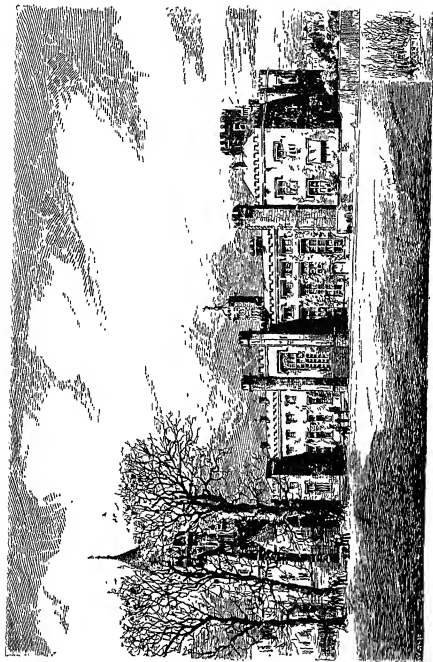
3. There will, therefore, be certain well-defined duties attaching to it; duties which affect the parents of young children, the children themselves, and individuals when they have passed school age. For no one is ever too old to learn; and no one ever acquires

such a quantity of knowledge as not to have plenty of things left with which he is unacquainted.

4. The duties of parents are simple and obvious, and may be summed up by saying that they ought to do all that lies in their power to give their children the best educational advantages that lie within their reach. The beginnings of education are now possible for the humblest, for the Free Education Act of 1892 has opened all elementary schools without charge. But in matters of education all that the State can do is to give opportunities. It is necessary for the citizens to support the State as well. So it is a very pressing duty upon all parents to see that their children attend punctually and regularly; while by their influence at home they should support the authority of the teachers and insist that the children behave themselves decently, are diligent with regard to the lessons they have to prepare out of school, and do not damage or destroy the books that they have to use.

5. A duty falls upon the children also, although they may in many cases be too young to realise its importance and meaning. This duty is the plain and simple one of obedience; for the great value of regular school attendance lies in the fact that by it children are brought into habits of discipline and order. The influence of such discipline upon the characters of young people cannot be valued too highly; because by it they unconsciously, and at an impressionable age, lay up lessons and examples which affect them during the whole of their lives.

6. They are brought face to face, too, with the first steps towards knowledge; and acquire, at a time when such acquisition is not difficult, the outlines or rudi-



RUGBY SCHOOL

ments of subjects which may only be imperfectly understood at the time, but which can be filled out and expanded in after life.

7. The time to be properly spent over the acquisition of rudimentary knowledge is from the first beginnings of school days until about fourteen or fifteen years of age. From fourteen to nineteen, the real meaning of knowledge begins to make itself felt; and during this period the rudiments learnt in the first period can be constantly applied. From nineteen to twenty-two the completion is put upon the whole work by a young man being led to think upon the matter he has learnt rather than by his being required to actually acquire much more.

8. Such a scheme of education is, however, of the highest kind; and is not only beyond the reach, but is also beyond the needs and capacities of the majority of people. Our system of elementary schools and higher grade board schools provides, for the masses of the people, a means of acquiring rudimentary information, the same ground being covered, for other portions of the community, by excellent preparatory schools, which are to be found in all parts of the country.

9. Considerably higher in the scale come the various grammar schools for boys, and high schools for girls—the former being mostly ancient foundations, the latter the developments of a recent experiment; and finally the public schools of England, a considerable body of magnificent establishments, with certain especially famous ones at their head.

10. By this series of great educational institutions, the requirements of all kinds of boys and girls are met from their infancy until they are about nineteen.

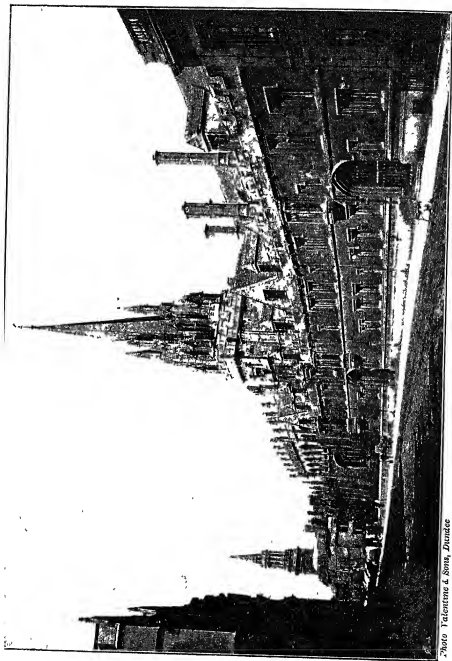


Photo Valentine & Sons, Dundee

THE HIGH STREET, OXFORD

Then, for the third period of educational progress, the two famous universities of England come into play. Oxford and Cambridge are not only the ancient seats of the highest learning, but they are of incalculable use in giving experience to hundreds of young men who, from among their numbers, will sooner or later be called to responsible positions in the State.

11. They exemplify, in their teaching and conduct, more clearly than any other educational institutions, the truth of the saying that education does not by any means depend upon books alone. There is to be found in them the accumulated wisdom of the ages; and in them, or from them, the majority of the new discoveries and additions to learning are made; but they deal with education—the bringing out of a man's character and powers—in the best and widest sense of the term; and have been through long centuries, and are at the present time, of inestimable value to the State.

CHAPTER XLVII

PROVISION FOR THE POOR

1. In every State there are always present a considerable number of persons who are pressed down by the hardships of poverty, if they are not in actual want of the necessities of life. Such a body of unfortunate individuals has existed in every State of the world of which we have historical knowledge; and

their existence has been a source of the greatest distress to those of the citizens upon whom the burden of authority has fallen.

2. Many solutions have been attempted of the problem of their existence, and many efforts have been made to diminish their numbers, but so far without much good or permanent result.

3. It is recognised that the difficulties of the problem are increased by the fact that their existence is caused by a variety of causes; and that the remedies suitable in some cases are quite unsuitable in others. There are many suffering from the ill effects of pauperism who are brought to distress through little fault of their own. Old age, ill-health, the bitter competition of existence, are too frequently the causes by which respectable working people are reduced from useful members of the community to mere drags upon the State.

4. But if the whole of pauperism could be accounted for by such means, the task of statesmen and philanthropists would be lightened a hundred-fold. There is another and a darker side to the picture. There are many to whom pauperism is a crime into which they have let themselves fall, just as there are others who habitually steal or habitually drink.

5. To offer help to such persons is almost a crime in itself. The sternest repression of the law is needed rather than the kindly workings of charity. But the very existence of such persons endangers the chance of aid being granted to those who do deserve it, and so in a twofold sense they are a danger to the State.

6. To go back, however, to the case of the deserving

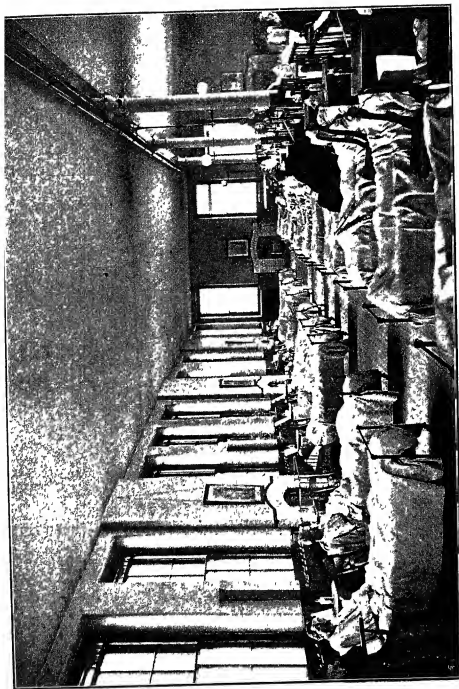


PHOTO BY J. ALLEN, UNIVERSITY OF MICHIGAN.

THE SICK WARD OF A WORKHOUSE.

poor, the old and the young among them claim our attention first. It seems a terrible thing that a life spent in honest and steady labour, with all humble duties faithfully performed, should have, as its goal, only the white-washed walls and bleak wards of a workhouse. Yet it is undoubtedly the case that to make workhouses pleasant and comfortable is simply to put a premium upon laziness and waste, and will tend to increase the idle and undeserving to an enormous extent.

7. It is almost impossible, in fact, to administer workhouses upon any lines other than those which will make them something between an almshouse and a jail; and no one can feel that this is at all an adequate solution of the question. Schemes, however, have been promulgated of late years by which a system of old-age pensions may be devised, by the aid of which the aged poor may be secured from want and destitution during their last years. There are infinite difficulties attending the drawing out and working of such a scheme; but they ought, by the hearty co-operation of all parties and all creeds, to be overcome in the long run. Clearly such a scheme is impossible without a large employment of public money. But two considerations are equally clear as well—firstly, that those who are to derive the benefit should, while they are able, contribute something to the central funds; and, secondly, that no monies already devoted to useful purposes should be diverted from their original intent.

8. There do not, perhaps, exist quite so many difficulties in the case of pauper children as in the case of the old. Children have their lives before

them; and the State must concern itself chiefly with directing those lives into profitable channels. There remains always the hardship that, if they are the children of decent though destitute parents, they will be separated from those parents; but in the event of their being the children of the professional pauper, this separation will clearly be for their good. Once taken in hand, however, there are many admirable schools at which they are clothed and fed and taught, and eventually put out into the world with the opportunity of following some useful trade or vocation, and, of so becoming respectable and worthy citizens.

9. Occupying an intermediate position between the aged and the children, are the sick poor, whom illness has overtaken, and whose work has been consequently stopped. To their aid the State comes, surrounded by many rich philanthropists; and, by a noble series of hospitals, puts the best medical and surgical skill at their aid.

10. But far more important than the aids which have been devised to alleviate existing poverty are the things which may go to check its growth. These things appeal to us directly, because the conduct of our own lives is in our own hands; and we should always be on our guard lest poverty seize us and claim us for her own. What, then, are the two most obvious causes of the need and distress that exist in the world? First of all, intemperance in life, by which we mean not only intemperance so far as drinking is concerned, but intemperance of expense. And, secondly, the great fact that has been dawning slowly upon the masses during the last thirty years, namely that England, for her size and resources, is vastly over-

populated ; and that the struggle for existence becomes keener every day.

11. These are evils that we can each do something to remedy. We can help the first by always being temperate in ourselves, by prudence and by thrift. We must learn to deny ourselves some little pleasure, to make some little sacrifice, to try to save and put by for the days of trouble and distress. And for the second, we ought to discourage by voice, but especially by example, the habit of early marriage, which has helped so largely to bring about the excess of mouths that there are to feed.

12. No man should marry unless he is well able to keep a wife and children. If he marries on chances of success, or prospects of work, thinking that, in case of failure, he has the State to fall back upon, he is little better than a coward and a thief. For the State is composed of his neighbours and fellows ; and it is out of their pockets that the burden of his existence has to be met.

11. *To save and put by.* See Appendix.

CHAPTER XLVIII

NEED OF ORDER AND RESPECT FOR LAW

1 In the history of many countries one can often come across instances of insurrections being raised against the governments of those countries, and of people, inflamed with fury, opposing themselves to

the trained forces of the army. But in the majority of cases, even though their cause may perhaps have been a righteous one, victory has rested, not with the insurrectionists, but with the Government troops. And the reason of such a result is not difficult to find. Those who rise in revolt are usually a disorderly mob, while Government troops are trained in the habits of discipline and of obedience.

2. The effect of such discipline is to make a hundred men who obey it the superior of five hundred others who are lacking in it; for discipline, when we come to examine its wider meaning, is merely a practical example of the theory of which we have spoken so much in these pages—the theory, that is to say, that that individual is doing most good to his state who subordinates his own personal feeling to guidance of the experienced.

3. So that exactly the same thing applies to states and communities that we have seen applying to soldiers and troops. Just as that army is the best which is the most carefully disciplined, and in which each individual soldier renders a cheerful and ready obedience to orders, so that community is the best and most prosperous in which each citizen readily and willingly obeys the law.

4. There are some foolish people in existence—though one is glad to think their number diminishes year by year—who profess to believe that obedience to law is in itself a derogatory thing for a freeman; and that by such obedience an individual forfeits his right to be considered free. Although one can hardly take people of this sort seriously, it is perhaps as well to point out that they have entirely missed the whole

meaning of the system of law. It is not an arbitrary system imposed from above upon a free community; but a general agreement made among themselves by the members of a community as to the customs and observances by which their freedom can be secured.

5. Consequently any one who takes upon himself to break away from this agreement, and to ignore the understanding that exists between all freemen, is one who attempts to set himself up as superior to the rest of his fellows. And the breaking of the agreement, if allowed to one, is not likely to stop there; for any other man would be just as much entitled, under such circumstances, to break it as the first. Then, if everybody took it upon themselves to ignore the law, there would be an end of all safety and security; and the existence of any community would be rendered impossible.

6. It may perhaps be rather difficult for us to follow the abstract ideas conveyed in our obligations towards the State; but it is wonderful how simple these ideas become if we only apply them to our own individual cases. Supposing we have a home of our own, however humble; or a few personal belongings, however scanty; we know quite well that it would be intolerable were any one to attempt to break up that home, or to take our little property away from us.

7. The principles that we should then so strongly object to have applied to ourselves, we have no right to attempt to apply to other people; but we certainly cannot expect to have much consideration shown to us, unless we also show that we are prepared to consider our neighbours. It is absolutely incumbent upon us, if we wish the existence of the State to be preserved,

to have a regard for the persons and opinions of others, however much we may be opposed to them; and even if it is obvious that their course of action is one that is dangerous to the State, the taking of repressive or remedial measures never rests in our own hands, but must always be undertaken by those whose duty it is to administer the law.

8. The best support of the law that any citizen can give is himself to set the example of an orderly and peaceable life. For the obeying of the law is not a difficult task, though there are many persons to whose nature it is distasteful. But this is because compliance with the established agreements of a body of citizens makes a certain demand upon our common-sense.

CHAPTER XLIX

PUBLIC SPIRIT AND PUBLIC OPINION

1. It is by reason of their national respect for law that Englishmen have proved themselves worthy of the great amount of liberty that they enjoy. It is clear that no human being can ever be entirely free. He is restrained to a certain extent by the performance of the duties belonging to his condition of life; but such performance is not in the least inconsistent with the enjoyment of freedom, for a life without duties would no longer be a free life, inasmuch as it would be a life without rights.

2. There are three things in England which perhaps

show more clearly and simply than anything else how great is the degree of liberty which Englishmen enjoy. These three things are the freedom of debate in Parliament, the freedom of speech in public meetings, and the freedom of writing in books and in the newspaper press. By such freedom being allowed in the expression of thought, the central government and all its administrative departments, and the various bodies of local government, perform their work to a great extent under the public eye. It is necessary, of course, to take into account that the central government and its departments are administered by specially skilled and experienced persons; while the criticisms of the public are not usually the criticisms of equally experienced critics. But on the whole the tendency is undoubtedly for the general good.

3. The possession of the privilege, however, imposes a duty upon the ordinary citizen which, under other systems of government, it would not be necessary for him to possess. This is the duty of honestly trying to make himself acquainted with public matters, and of honestly acquiring such an education as will enable him to understand the facts when he has become acquainted with them.

4. Public meetings and the daily press are most useful helps towards becoming acquainted with the outlines of politics; but it should never be forgotten that a meeting or a paper represents one side of a question alone; and that the same series of facts offers quite a different aspect when looked upon from the opposite standpoint.

5. At the time of any election, then, when public meetings are being held, whether they may be on

behalf of a parliamentary candidate or of a person to serve upon some local body, an elector will be neglectful of his real duty if he attends only the meetings of the candidate towards whom he has a predisposition. He should not, of course, go to his opponents' meetings for the sake of creating disturbance, but for the purpose of obtaining knowledge. In the same way, when no elections are in progress, a man is worse than foolish if he professes to take an interest in public affairs, and confines himself to the newspaper which represents his own party.

6. But in addition to this, the vigilance of a good citizen ought to be exercised at all times, and not only when an election of some kind is in progress. Popularly elected bodies have to be watched just as much as they have to be called into being. It is because they are popularly elected, and depend for their existence upon the nation, that they lend themselves the more readily to criticism and comment. The system of a despotic government, whether it deals with its subjects badly or well, is always above their interference, because they have had no share in its creation.

7. But in a representative government the case is just the reverse. The electors are entitled not only to share in the construction of a representative body, but the further duty rests upon them of watching it while it is at work. And if the work is neglected or badly done, or if the general policy of the body proceeds upon wrong lines, it is incumbent upon the electors to call the representative body to account.

8. So that the active co-operation of the whole people is essential if we want to secure good govern-

ment and freedom; and upon such co-operation the welfare and comfort of the community will depend. By the fulfilment of our duty in this manner we entitle ourselves to be secured in the enjoyment of our rights and privileges. But we ought not to think of the latter until we have faithfully done our best to fulfil the former.

9. Even when we have secured them, our privileges are never to be abused. Liberty is an admirable and glorious thing; but the possession of liberty does not imply a justification of the abuse of liberty; and liberty, if abused, will degenerate all too quickly into license. We must treat our citizenship with no light and careless hand; for it is neither to be trifled with, nor treated with contempt.

APPENDIX

CHAPTER II

4. THE GREAT STATESMEN, THE WISE KINGS, THE LEARNED MEN

It should always be impressed upon students that modern institutions cannot possibly be understood unless attention is paid to the history of the past. In illustrating the above remark, therefore, it will not be an adequate treatment to refer merely to recent enactments, such as the Reform Bill, the Repeal of the Corn Laws, or the Elementary Education Act. Note should be taken of as many as possible of the great men whose action in the past has influenced the present—Dunstan, William Longchamp, Hubert Walter, Simon de Montfort, Becket, Wolsey, Sir Thomas More, for example, among the statesmen and scholars; Alfred, Canute, William the Conqueror, Henry the Second, Edward the First, Henry the Seventh, William the Third, among the kings. This is not antiquarianism, but part of the proper study of history.

CHAPTER VII

5. THE METHOD VARIES IN DIFFERENT COUNTRIES

In the UNITED STATES, the Government, by the Constitution, is entrusted to three different authorities—the Executive, the Legislative, and the Judicial. The Executive power is vested in a *President*, who is elected for a term of four years. He is assisted in the administrative work by eight chief officers, or heads of departments, who form what is called the *Cabinet*.

The Legislative power is vested in a *Congress*, consisting of a *Senate* and a *House of Representatives*. The Senate is composed of two members from each State, who are chosen for a period of six years. The House of Representatives is based on a numerical principle, the most populous States returning most members (e.g. New York State returns thirty-four members, but Florida only two). The members are elected for two years upon a practically universal suffrage.

The Judiciary power rests upon a *Supreme Court*, a body co-ordinate with, and not dependent on either the Executive or the Legislature. The members are appointed by the President, subject to the approval of the Senate, and hold office during good behaviour—though they can only be dismissed by the process of impeachment. They can *annul* acts of the President and Congress—a power possessed by no other Judiciary body. They are frequently called upon to *interpret* the Constitution.

The President has a Suspensive Veto upon all laws. His position is inferior to the legal, but superior to the practical power of the Crown in Great Britain. In his hands rests the appointment of all other executive ministers, subject, however, to the approval of the Senate. He can make treaties, which have to be approved by a two-thirds vote of the senators present, and he has the power of pardon.

The *Senate* holds the balance between the President and the House of Representatives. All ordinary laws are made by the two Houses and the President; their share being equal, except that the Senate may not originate money bills.

The *House of Representatives* cannot touch the Government, and has no executive power.

It must be carefully borne in mind that Congress has only to deal with *forty* matters which are specially handed over to it; for each *State* has a constitution of its own—consisting of a Governor, a Legislature of two houses, and a Judicial system; but the tendency at work in the United States is for the Central Government to grow at the expense of the Local Governments, which means that a national feeling is gaining ground.

In FRANCE, the prevailing feature is a great centralisation.

The Executive is dependent upon the legislature, both practically and theoretically. In the United States, they are both independent; in Great Britain, though the executive is

legally independent, yet, by the sovereignty being vested in the High Court of Parliament, the executive is practically dependent.

The Legislative power in France is vested in the *Chamber of Deputies* and the *Senate*, the Executive power in the *President of the Republic* and the *Ministry*.

The *President* is elected for seven years, by a majority of votes, by the Senate and Chamber of Deputies united into a National Assembly or Congress. He does not possess the Suspensive Veto of the President of the United States, and his position, in fact, is rather that of a moderator or adviser. The *Cabinet* is chosen by the President, but is responsible to the Chambers.

The *Senate* consists of a body of 300 men, one-fourth of whom are chosen for life ; the rest being elected for nine years, retiring by one-third every three years. They are elected by electoral councils in each department.

The *Chamber of Deputies*, elected for four years by universal suffrage, consists now of 584 members (*i.e.* about one for every 70,000 people). The Deputies have greater control over the Executive than even the House of Commons in Great Britain. Bills may be presented in either Senate or Chamber, but money-bills must not originate in the Senate.

CHAPTER XIII

7. REPRESENTATION STOPPED SHORT

The English had not themselves devised a plan of letting a national assembly meet which should be composed of members elected by their fellows

CHAPTER XIV

3. THE VARIOUS ORIGINS OF TOWNS

The following represent some of the types : —

Round a popular shrine	Glasgow
Under the walls of a castle or monastery	{ Kenilworth Oxford
At the crossing of two main roads, or	
From a group of villages	{ Cambridge

10. A MERCHANTS' GILD

The origin of Gilds has been much disputed ; some referring them to Roman times, others to the sacrificial gilds which, after the conversion of England to Christianity, were continued with the substitution of Christian for heathen rites. Their name (derived from *Gildan*, to contribute) shows that they were associations of persons which involved a sense of mutual responsibility. They were of various kinds ; some for religious purposes, some for protection and police work, and others purely social. Among the most prominent were the *Craft Gilds*, associations of craftsmen, such as dyers and shoemakers. These developed during the reign of Edward III. into the chartered trade companies. The most important, however, were the *Merchant Gilds*. Their history in Anglo-Saxon times is obscure, but under Edgar (959-975) certain German merchants in London were formed into a gild with special privileges ; and after the Norman Conquest, these gilds tended to absorb all the rights of municipal government. Sometimes a single gild formed the nucleus of a town, and expanded to receive all the free traders and artisans of the borough. Sometimes several gilds co-existed in a town, each with a separate organisation ; and then, over these associations, there was generally one aristocratic gild, that of the *merchants*. These merchant gilds often met to make laws regulating the trade of the town, often held land in their corporate capacity, and sometimes exercised judicial functions.

CHAPTER XXII

2. THE FEUDAL SYSTEM

Fendal tenures did not exist in England before the Norman Conquest ; for although military service was owed by the holders of land, they did not hold their land upon condition of service ; and the tie between them and the King remained a purely *personal* one. But there were certain distinct germs of feudalism in England before the Conquest, chief among which are the following.—

1. The tendency for the tie between the King and his thanes,

or between the greater and lesser thanes, to grow into a relationship depending upon the tenure of land ; and to cease to be merely a personal one.

2. The practice of *commendation*, by which the greater thanes commended themselves to the King and become his thanes, or the lesser thanes commended themselves to the greater. The land was given up on commendation, but was given back again , and herein lay the difference between the English and the Continental practice. On the Continent a man, by commending himself, gave up his land and became the lord's vassal. In England, up to the time of the Norman Conquest, the system had not advanced beyond the stage of a personal relation.

3. The rights of jurisdiction, known as *sac and soc*, possessed by the greater thanes over those beneath them.

4. The beginnings of disintegration, as shown by the creation and growth of the great earldoms (*e.g.* the four earls in Canute's time).

5. The obligation of military service, which became a duty practically depending on the tenure of land.

6. THE STRUGGLE OVER THE PREROGATIVE, 1215-1689

The following are the more important stages in this struggle:—

1215. *Magna Carta*.

1225. A renewal of the Charter, in which is foreshadowed the connection between the redress of grievances and the granting of supplies

1258 Committee of Reform and the Provisions of Oxford.

1259. Provisions of Westminster.

1266. *Dictum de Kenilworth*.

1297 *Confirmatio Cartarum*.

1310-11. The Lords Ordainers.

1399. Parliamentary consent to legislation, and taxation established ; and growth of idea of ministerial responsibility.

1485. Further great development of the same ideas. See Hallam's description of the definite checks on power of the King on the accession of the Tudors. *Constitutional History*, i. 2.

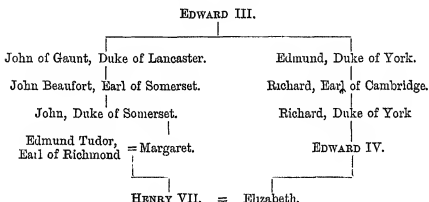
1606 Decision of judges in Bates' case

1616. Conflict of King and judges in case of Commendams.

- 1617. Darnel's case.
- 1628. Petition of Right granted.
- 1635 Ship money.
- 1685. Customs levied by proclamation.
- 1686. Hales's case.
- 1689. Bill of Rights.

CHAPTER XXIII

3. HENRY, DUKE OF RICHMOND, AFTERWARDS HENRY THE SEVENTH



9. THE CONSTITUTIONAL RESULTS OF THE REBELLION

Although the cause of *absolute* monarchy was lost, the cause of monarchy was gained. Royalists and Revolutionists alike argued that the good government of the country depended on the close union of King and Parliament.

The predominant influence of the House of Commons was established.

The complete rejection of Romanism was assured.

A widespread distrust was created of men of extreme views on either side.

CHAPTER XXIV

7. PRELATES

It should be noted that this term includes mitred abbots, abbots, and bishops. Abbot was a title which came to be

specifically applied to the superior of a monastery. Some were called mitred abbots because they had received from the Pope the right of wearing the mitre and other vestments proper to the episcopal office. This did not, however, affect their constitutional position, for abbots were summoned to Parliament as ~~holding~~ baronies under the Crown.

CHAPTER XXV

1. THE CITIZENS AND BURGESSES . . . LITTLE USED TO THE DISCUSSION OF AFFAIRS OF STATE

Note how this is an example of the difference in nature between the affairs of the Central and the Local Governments. The citizens and burgesses had been accustomed from the earliest days of the Anglo-Saxons to discuss matters of local interest ; but they were as yet quite unfit either by training or experience for dealing with the general affairs of State which were familiar to the Normans

CHAPTER XXVI

7. AS THE COUNCIL DEVELOPED . . . IT STRENGTHENED THE PREROGATIVE OF THE KING

“The King could do nearly every act in his permanent council of great men which he could perform when surrounded by a larger number of his nobles ; except impose taxes on these nobles themselves.”—Dicey, *Privy Council*.

10. THE OLDER COUNCIL AND THE NEWER PARLIAMENT IN COLLISION

After Henry III.'s attempt to form a government of favourites and foreigners, the National Council endeavoured to obtain a control over the King's Council by appointing the Justiciar and other great officers ; but this mode of appointment was only possible under a weak king.

Under Edward III. a statute of 1341 provided that ministers were to be nominated in Parliament. This statute was repudiated by the King in the following year ; but in the same reign frequent statutes were passed, at the request of the Commons, to restrain the arbitrary exercise of the Council's power.

The Commons petitioned in 1377 that the chief officials were to be appointed in Parliament during Richard II's minority.

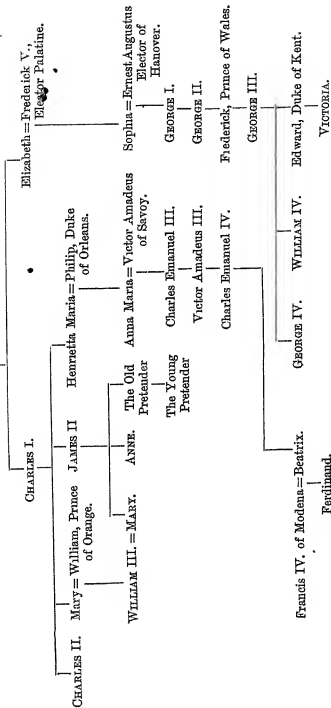
Under Henry IV. the whole of the Royal Council was nominated in Parliament by the King at the request of the Commons.

During the minority of Henry VI. the Council was appointed absolutely by the Parliament, but after 1437 by the King. Under the Lancastrians, however, the relations between Parliament and the Council were much more cordial than had previously been the case, owing to the fact that the Council was appointed and regulated by Parliament.

During the Tudor period the Council was all-powerful in the nation, although subordinate to the King. This condition of affairs lasted under the first two Stuarts, who used the Council and the courts growing from it (the Star Chamber, Council of the North, etc.) as the instruments of their illegal demands. Most of the powers of the Council were swept away in 1641, when the supremacy of Parliament was re-asserted.

THE ACT OF SETTLEMENT

TABLE I.



Louis of Bavaria = Marv Theresa of Modena

Had it not been for the Act of Settlement the Crown, by hereditary descent, would have gone to the family of the daughter of Charles I., and would now be vested in Mary Theresa of Modena.

CHAPTER XXVII

5. INDIRECTLY THROUGH THE STAR CHAMBER

The Star Chamber originated in the civil and criminal jurisdiction of the King's Council, and was in fact identical with this Council when acting in its judicial capacity. The name probably arose from the fact that the King's Council usually held its meetings in the starred chamber, at Westminster. After the establishment of the Court of Chancery (p. 156), the jurisdiction of the Council declined for a time; but when the Wars of the Roses were at last concluded, Henry VII., whose great object was to secure good "governance," and to keep the nobles in order, passed an Act reviving the judicial powers of the Council, and more or less investing it with arbitrary authority. During a great part of the Tudor period, however, the power of the Court was beneficially exercised, but under the first two Stuart kings, its vast power was improperly applied in a great number of cases; and it was at last abolished by Act of Parliament in 1641.

7. THE OFFICE OF PRIME MINISTER . . . IS UNKNOWN TO THE LAW

"His position is not less peculiar or characteristic than that of the Cabinet itself. Officially, besides being a Privy Counsellor, he is merely the first Lord of the Treasury. . . . He has no legal primacy over the other members of the Cabinet, as is indeed necessarily the case in a body which has itself no legal status. In official precedence he ranks below many of the other ministers; unless he combines the office of Lord Privy Seal with that of the First Lord of the Treasury." Mr. Gladstone, writing of the constitution and functions of the Cabinet, says, "The head of the British Government . . . has no powers, properly so called, over his colleagues . . . but they are appointed and dismissed by the Sovereign on his advice. . . . Nothing of great importance is matured in any department without his personal cognisance; and any weighty business would commonly go to him, before being submitted to the Cabinet. He reports to the Sovereign its proceedings, and he has also many audiences of the august occupant of the Throne. He is bound, in these

reports and audiences, not to counterwork the Cabinet; not to divide it, not to undermine the position of any of his colleagues in the royal favour. . . . As the Cabinet stands between the Sovereign and the Parliament, and is bound to be loyal to both, so he stands between his colleagues and the Sovereign, and is bound to be loyal to both. As a rule, the resignation of the First Minister, as if removing the bond of cohesion in the Cabinet, has the effect of dissolving it. . . . The resignation of any other minister only creates a vacancy . . . Upon the whole, nowhere in the wide world does so great a substance cast so small a shadow; nowhere is there a man who has so much power, with so little to show for it, in the way of formal title or prerogative."

CHAPTER XXVIII

4. MINISTERIAL RESPONSIBILITY

This idea was shadowed forth in the deposition of William Longchamp, Richard I.'s Chancellor, for abuse of power; and grew rapidly during the minority of Henry III. The impeachment of Michael de la Pole (1386), proved not only that ministers were responsible to the nation, but that they could not plead the King's approbation as a defence for unconstitutional action. The same point was still more emphasised in the impeachment of Danby (1678). After the Revolution of 1688, the theory of ministerial responsibility became a practice, and "it is now well-established law that the Crown can act only through Ministers, and according to certain prescribed forms, which absolutely require the co-operation of some minister, such as a Secretary of State or a Lord Chancellor, who thereby becomes not only morally but legally responsible for the legality of the act in which he takes part. Hence indirectly, but surely, the action of every servant of the Crown, and therefore in effect of the Crown itself, is brought under the supremacy of the law of the land" (Dicey).

8 THE MUTINY ACT

The illegality of raising or keeping a standing army within the kingdom in time of peace, except with consent of Parliament,

is expressly declared by the Bill of Rights. This declaration has been regularly repeated in the Mutiny Act, passed for the first time in 1688; which then goes on to provide for the maintenance of an army, and for the discipline of soldiers, for one year only.

CHAPTER XXXII

THE HISTORY OF TAXATION

The following are the chief points in the history of taxation. In Anglo-Saxon times, extraordinary taxation was levied with the counsel and consent of the Witenagemot, while the Norman kings, before levying a tax which was not a regular feudal due, consulted their council, though probably as a mere matter of form. Taxation was then practically arbitrary.

The first opposition came from the clergy, with the commencement of regular taxation; Becket quarrelling with Henry II. over the Danegeld; and in 1198, the Bishops of Lincoln and Salisbury strongly resisting a demand for money, the result being that the demand was withdrawn, and the Justiciar, Hubert Walter, resigned.

In *Magna Carta*, a clause was inserted against arbitrary taxation; and under Edward I., the idea was established that those who are to be taxed ought to assent through their representatives; and the Commons asserted their right to take part in deliberations on taxation. But even after this right had been established, there were frequent attempts at illegal taxation; and Edward III. had to promise to exact nothing without the consent of Parliament. The Commons also increased their power over the revenue by asserting their right of appropriating supplies, auditing public accounts, and originating Money Bills.

Under the Lancastrian kings, illegal taxation was rare, and even under the Tudors the assent of Parliament was usually obtained. But James I. and Charles I. levied money arbitrarily in many ways; and the system now in vogue was not established until the reign of William III.

CHAPTER XXXIII

1. GOVERNMENT BY PARTY

"Our Parliamentary procedure, as wrought out by a long line of Constitutional Statesmen, is a highly complex and artificial system, not at all in accordance with Democratic simplicity. It depends for its success on a variety of checks and counter-checks, on the observance of certain general understandings as if they were legally binding, and on a spirit of toleration and forbearance which is seldom found except in the educated classes. Parliamentary Government resting on these conditions gradually developed Party Government as the best means of ensuring their permanence."—*The Standard*, 17th January 1894.

CHAPTER XXXIV

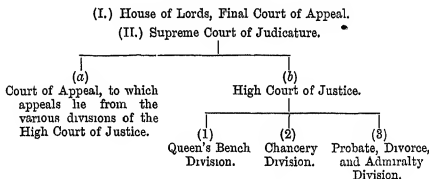
7. THE SEPTENNIAL ACT

The summoning of Parliament is one of the prerogatives of the Crown ; but in former times it often happened that the King omitted to call Parliament together, especially if he were rich enough to dispense with supplies. Consequently one of the Ordinances of 1311 was to the effect that Parliament shall be held once or twice a year, and statutes were passed under Edward III. that Parliament should be held annually, or oftener if need be. Notwithstanding this legislation, there were often long intermissions ; *e.g.* during the last thirteen years of Henry VII.'s reign there was only one Parliament, while Henry VIII. for eight years, James I. for six years, and Charles I. for eleven years, ruled without a Parliament at all. In 1641 a *Triennial Act* was passed, enacting that if the King neglected to call a Parliament for three years, a new one was to be chosen immediately ; and that a Parliament should be dissolved after three years from the first day of its session. But this Act was repealed ; and a Parliament of Charles II. sat for seventeen years. The *Bill of Rights* declared Parliament ought to be held frequently ; and William III. in 1694, consented to a second *Triennial Act*. But in 1716, the first year of George II.'s reign, the country was greatly disturbed by the Jacobite risings that had recently

occurred, and although the Parliament was then in the third year of its existence, the Ministers did not think it prudent to appeal to the country in a general election. They accordingly passed a *Septennial Act*, increasing the limit of three years to seven ; and so earned for themselves an official existence of four years longer. This *Septennial Act* is still in force. The circumstances of its becoming law are a vivid illustration of the supreme power of Parliament in the land.

CHAPTER XXXVII

3. THE COURTS OF LAW AS ARRANGED BY THE JUDICATURE ACT 1873



CHAPTER XLVI

9. THE GREAT PUBLIC SCHOOLS

The most celebrated of these foundations are Eton, Westminster, Harrow, Winchester, Rugby, and Charterhouse.

CHAPTER XLVII

11. THE DUTY OF SAVING

For an account of the various Benefit Societies, see *Social and Industrial Life*, by J. St. Loe Strachey (Macmillan).

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